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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Initial, second, third, fourth and fifth periodic report of States parties

Congo*

* The present report is being issued without formal editing.

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Logos and abbreviations

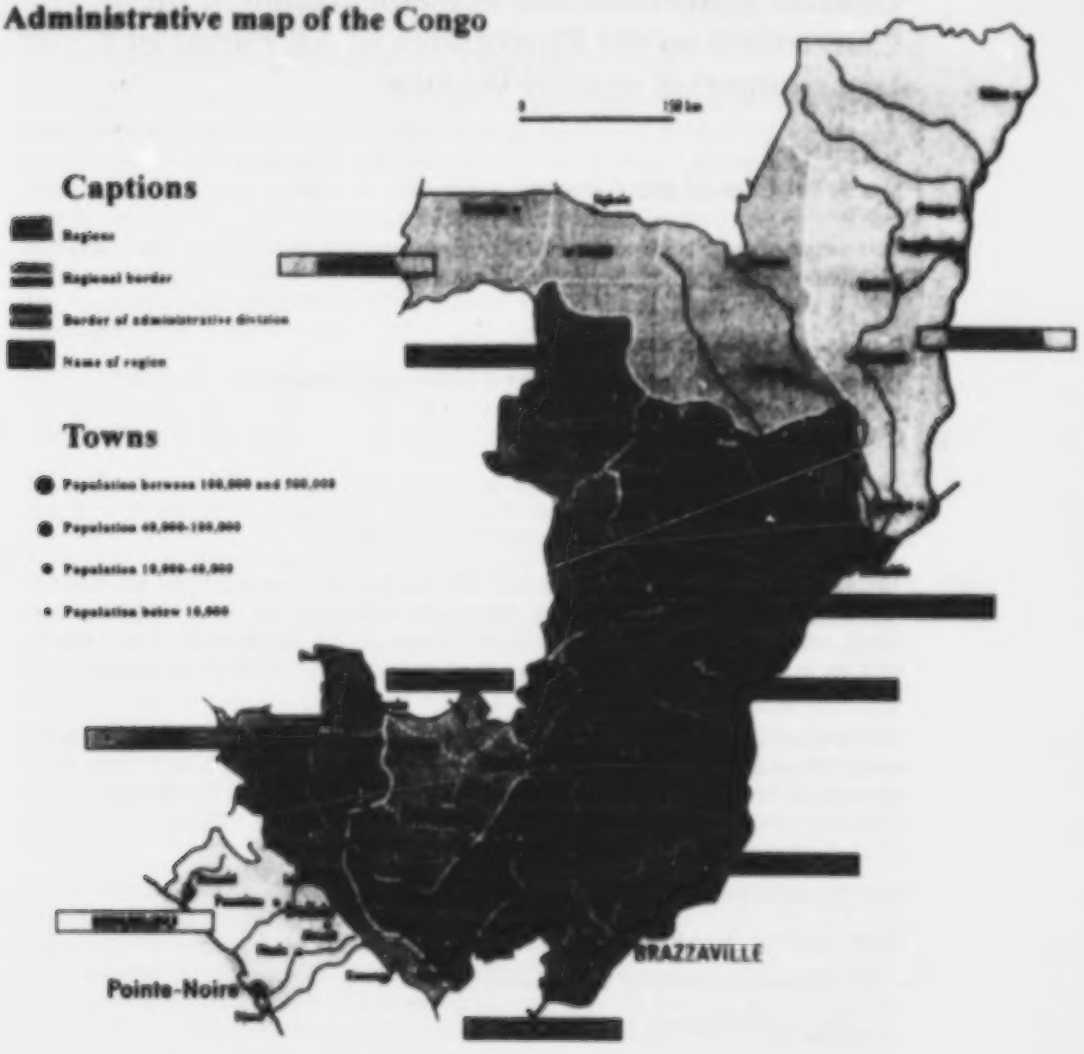
ACBEF	:	Congolese Association for Family Well-being
AFA	:	Association of African Women
AFUF	:	Association of Women of the French Union
AIDS	:	Acquired immunodeficiency syndrome
BEPC	:	Certificate of secondary studies
CAAJ	:	Centre for Assistance and Legal Aid
CEDAW	:	Convention on the Elimination of All Forms of Discrimination against Women
CEG	:	Secondary school (general education)
CEMAC	:	Central African Economic and Monetary Community
CENAMES	:	National Centre for Essential Medicines
CEPE	:	Certificate of primary (elementary) studies
CET	:	Secondary school (technical education)
CFCM	:	Women's Savings and Mutual Credit Fund
CHU	:	University Hospital Centre
CIF	:	International Committee of French Women
CM	:	Crafts centre
CNPOLA	:	National Standing Council to Combat Illiteracy
CNSS	:	National Social Security Fund
CNT	:	National Transition Council
CPN	:	Antenatal consultation
CRIDF	:	Women's Research, Integration and Documentation Centre
CSI	:	Integrated Health Centre
CTA	:	Centre for out-patient treatment
DGAS	:	General Directorate of Social Affairs
DIFD	:	Directorate for the Integration of Women in Development
EASP	:	Survey of agricultural production per unit of area
EIC	:	Institute for Education in Communications
ENAM	:	National College of Administration and Magistracy
ENS	:	Higher Teacher Training College
ENSP	:	Higher National Polytechnical School
EPS	:	Physical education and sports
EPT	:	Education for All

FAC	:	Fund for Assistance and Cooperation
FAO	:	Food and Agriculture Organization of the United Nations
FSE	:	Department of Economic Sciences
FSH	:	Department of Human Sciences
FSSA	:	Department of Health Sciences
GDP	:	Gross domestic product
HIV	:	Human immunodeficiency virus
IDR	:	Institute of Rural Development
INJS	:	National Institute for Youth and Sports
IRC	:	International Rescue Committee
ISEPS	:	Higher Institute for Physical Education and Sports
ISG	:	Higher Institute of Management
IST	:	Sexually transmissible diseases
LT	:	Technical grammar school
MEPRSSRS	:	Ministry of primary, secondary and higher education responsible for scientific research
MIFD	:	Ministry for the Integration of Women in Development
MSA	:	African Socialist Movement
MSSAH	:	Ministry of Health, Solidarity and Humanitarian Action
NGO	:	Non-governmental organization
OHADA	:	Organization for the Harmonization of Business Law in Africa
OMS/WHO	:	World Health Organization
ONSSU	:	National Office for School and University Sports
PANE	:	National Plan of Action for Children
PCT	:	Congolese Labour Party
PMRU	:	Rural and urban micro-projects programme
PNB	:	Gross national product
PNDS	:	National Health Development Plan
PNLS	:	National Plan to Combat AIDS
PNPF	:	National Plan for the Advancement of Women
RASEF	:	African support network for female entrepreneurship
RESEFAC	:	Central African Women's Network
RGPH	:	General population and habitat census
SSP	:	Primary health care

UDFC	:	Democratic Union of Congo Women
UEFA	:	Union for the Emancipation of African Women
UFC	:	Union of Congo Women
UFCVA	:	Union of women shopkeepers, shop assistants and craftswomen
UFMM	:	Union of women in the home and women members of mutual credit funds
UFP	:	Union of women peasants
UFT	:	Union of women workers
UNDP	:	United Nations Development Programme
UNESCO	:	United Nations Educational, Scientific and Cultural Organization
UNFC	:	National Union of Congo Women
UNICEF	:	United Nations Children's Fund
UNFPA	:	United Nations Population Fund
URFC	:	Revolutionary Union of Congo Women

Introduction

Administrative map of the Congo



The Congo is an African State classified as a "highly indebted poor country" (HIPC). It has a modern legal system, which, however, is influenced by custom and usage. The ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) reflects the public authorities' will to promote the rights of women, who account for over 52% of the population.

The implementation of the Convention on the Elimination of All Forms of Discrimination against Women is taking place in a special context. Many advances have been achieved in theory. Practice, however, reveals the ineffectiveness of certain laws. This situation warrants the vigorous measures being organized to stimulate awareness in the sphere of human rights.

Part One
General context for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women

Chapter I
Presentation of the Congo

This introductory chapter describes the Congo's geographical, social and economic situation.

Section I
Geographical, demographic and economic situation

I. Geographical situation

The Republic of the Congo is situated in Central Africa. It is crossed by the Equator in its northern part and occupies the area between latitudes 3°30 N. and 5° S. From West to East, it lies between longitudes 11° W. and 9° E.

The Congo has a surface area of 342 000 sq. km. It is bounded by the Central African Republic and Cameroon in the North, Gabon in the West, Angola in the South and the Democratic Republic of Congo in the South-East. The Atlantic seafront is 170 km long. The relief is varied and the soil is of the hydromorphic and iron-bearing type.

The hydrographic network is extensive. The Congo River is the second largest in the world (exceeded only by the Amazon in size) and has a flow of over 70 000 cu.m per second. There are several other navigable rivers, in particular the Kouilu, Niari, Bouenza, Alima, Ngoko, Sanga, Likouala-Mossaka and "Grassy" Likouala ("Likouala aux herbes").

The vegetation consists principally of forest and savannah.

There are three large forest massifs:

- The forest in the north of the country;
- The Chaillu massif; and
- The Mayombe forest.

These lush forests, whose exceptional wealth of fauna and flora puts the Congo among countries with an immense tourist potential, are broken up here and there by savannah.

The climate is equatorial, rainy seasons with maximum temperatures alternating with dry ones, when the rainfall is more moderate.

II. Demographic situation

The Congolese population consists essentially of Bantus and Pygmies. The total is estimated at around 2,800,000. The average population density is 7.6 inhabitants per sq. km. The breakdown by gender is 52% women and 48% men.

This population resides for the most part in two large cities (Brazzaville and Pointe-Noire); the urbanization rate is 57%. It is a young population, 75% of the inhabitants being under 45 and 45% under 15 years of age. The average life expectancy is 53 years. However, this average is showing a tendency to decline owing to the prevalence of HIV/AIDS and of certain endemic diseases (malaria, typhoid fever, etc.) The gross birth rate in 1998 was 44 per 1000 and the gross general death rate in the same year was 16 per 1000.[1] The average annual population growth rate is 3.4%. The synthetic fertility index is 6.3 children. The maternal mortality rate is 900 deaths per 100 000 live births.

Many refugees of various nationalities (Rwandans, Eurundians, Congolese from the Democratic Republic) live in the Congo, as do nationals of several foreign communities, chiefly from West Africa and Lebanon.

III. The economy

In the period after 1973, the Congolese economy was marked by a rapid growth of GDP and of public revenue due to the opening-up of new oilfields, the two oil crises of 1974 and 1979, and the rise in the US dollar/CFA franc exchange rate that took place between 1980 and 1984. This expansion enabled the Government to embark upon a five-year development plan (1982-1986), largely financed through foreign indebtedness. From 1985 onwards, State revenue prospects were considerably diminished by falling oil prices and the decline in the dollar exchangerate. The Congo therefore undertook, with the support of the international financial community, a series of structural adjustment programmes with a view to absorbing the imbalances; none of these programmes, however, could be carried through successfully and the financial decline accelerated, weakening the economy still further.

For several years now, economic activity has been in decline. The annual average GDP growth rate in real terms, which from 1970 until 1980 was 5.8%, fell to 2.4% between 1980 and 1995. In the last few years, some negative real-term rates have been recorded (- 1.2% in 1994, - 4.9% in 1995), although nominally the year 1994 saw a growth rate of 17.3% owing to strong variations in the value of the CFA franc. From 1980 to 1992, the annual per capita GDP growth rate was –0.8% as against a population growth rate of + 3%. The situation worsened still further in 1993 and 1994, when the per capita domestic product fell by 4.2 and 7.9%, respectively. Agriculture accounts for only an insignificant share of the gross domestic product. It is practised on only 2% of the country's arable land (2,000,000 hectares). Agriculture is for the most part biological and women account for 64% of the agricultural workforce. The hardships of agricultural work are further accentuated by the archaic methods used. Almost 100% of non-industrial processing of agricultural produce is done by women. The present performances of the agricultural sector make it necessary to resort to very costly imports of food products (on average, 100 billion FCFA p.a.).

[1] *In*: MSSAH, Health Policy 2000, 23 p.

Forests form the subject of a new policy aimed, inter alia, at achieving sounder and more sustainable management of this resource, processing almost 100% of Congolese timber inside the country, and exporting timber products with a high value-added content. This policy is predicated, in particular, on changes in the institutional framework (preparation of a new forestry code, reorganization of the forestry and waterways service). Protected areas account for a total area of 2 315 000 hectares, or 6.95% of the national territory. They include two national parks, seven sanctuaries and three hunting preserves. The industrial sector consists essentially of agro-food enterprises (breweries, sawmills, bakeries, etc.) and oil industry enterprises.

In 1998, the sectoral breakdown of the GDP was as follows:

- Primary, 10.7%
- Secondary, 52.7% (including 38.1% oil industry)
- Tertiary, 29.6%.

A preponderant section of the female population is currently employed in the unofficial sector.

In the last few years Congo's economy has been weakened by a number of factors, including: the devaluation of the CFA franc, the simultaneous decline of the oil barrel price and of the dollar exchange rate, and — more especially — the negative impact of a series of armed conflicts.

The structural adjustment programmes adopted by the Government have contributed towards reducing social spending, thus making women even more vulnerable than before. The Congo is classified among very poor highly indebted countries. The per capita income is roughly $600 p.a. (1997 figure). The gross domestic product in 1998 was 56.9 billion FCFA. The inflation rate is approximately 5%. The unemployment rate is 11.13[2] and the foreign debt amounts to 3 000 billion CFA francs.

Section II
Legal, political and administrative system

The political, administrative and legal organization of the Congo is characteristic of countries previously colonized by France.

I. The legal system

Colonization by France, which took place in the 19th century, left the Republic of the Congo at its accession to independence on 15 August 1960 with a dual legal system.

A French-inspired form of modern law was superimposed on the customary law that had existed prior to colonization. This dualism continues to this day and is still the rule.

Congo's legal order provides for the implementation of certain rules of an international nature that result from Congo's membership in integration institutions.

[2] RPGH analysis report, 1984, vol. 4, September 1992.

These rules are, in particular, those of the Economic and Monetary Community of Central Africa (CEMAC) and those of the Organization for the Harmonization of Business Law in Africa (OHADA). Some of these rules have a supranational character, while others are aimed at the harmonization of existing laws (in the area of business law).

II. The political system

Upon attaining sovereignty, the Congo took its destiny into its own hands. Several experiments were undertaken, to wit, the single-party and the multi-party system. Following the war of 5 June 1997, a Basic Law was adopted on 24 October 1997. It organizes the public authorities and the State during the transition period, The Executive is composed of the President of the Republic, Head of State, Head of Government, and of the Government. The Legislative is unicameral (National Council of Transition-CNT), and judiciary power is entrusted to the national courts. The multi-party system is the rule and freedom of the press is guaranteed. With the preparation of a preliminary draft of a Constitution, the Government is embarking upon the organization of the electoral process that will endow the Congo with democratically elected organs.

III. The administrative system

The administrative system is characterized by centralism, deconcentration and decentralization. The central administration consists of various ministerial departments created and organized by presidential decree. Under Decree No. 99-1 of 12 January 1999 appointing the members of the Government, the present Government is composed of 25 members. The ministerial departments have external services in the country's eleven regions; the activities of these services are coordinated by the Prefect, who represents the State and the Government in the region. Regions are subdivided into boroughs, administrative divisions and districts.

Decentralization is the path chosen by the public authorities. The process is, however, slow. It presupposes the transfer of responsibilities, the allocation of suitable funds, elected organs and the creation of a local civil service. There also exist several public establishments of an administrative, industrial, commercial and cultural nature that attest to an ongoing process of technical decentralization.

Section III
Legal machinery for the protection of human rights

The determination of the State to ensure the protection of human rights is reflected in the ratification and signature of a number of human rights instruments, including in particular:

- The Convention on the Elimination of All Forms of Discrimination against Women;
- The International Covenant on Civil and Political Rights;
- The International Covenant on Economic, Social and Cultural Rights;
- The African Charter of Human and People's Rights;
- The Convention against Torture.

The Basic Act of 24 October 1997 stresses the dedication of the Congolese people to the principles of democracy and human rights and affirms the sanctity of the human person. In its Section II it enshrines the fundamental rights of the human person, which is sacred. They include, inter alia: security, inviolability of the home, equality, freedom of meeting and association, the right to work, and trade-union freedoms. Any person whose rights have been infringed has the right to bring the matter before the courts. Appeals may be lodged with civil, criminal or administrative courts, depending on the nature of the case. Courts are of three levels: courts of first instance (magistrates' court, department court); appeals courts; and the Supreme Court. The latter institution is empowered to interpret the law; it does not intervene in ordinary legal proceedings.

Chapter II
Legal, political and administrative measures adopted within the framework of the implementation of the Convention and their conformity with national legislation

Congo signed the Convention on 29 July 1980 and instituted domestic ratification procedures. It has been a party to the Convention since 26 July 1982.

Section I
The place of the Convention within the domestic legal order

Congo is a State that recognizes the existence of public international law. Ratified conventions belong to the domestic legal order and have legal value equivalent to that of the law (article 81 of the Basic Law).

By virtue of its incorporation in Congolese domestic law, the Convention has become a standard applicable within the Congolese legal order. It has the legal value of a law and citizens may invoke it as such before the Congolese courts.

Ignorance of the Convention on the part of Congolese judges, who have never yet ruled on the basis of this source of law, must, however, be deplored.

Section II
National machinery for the advancement of women

The advancement of women was initially the concern of a few individual women and groups, which later joined together to form a single organization (structured in category-based unions). The Government then decided to set up the Ministry responsible for the advancement of women.

I. Pioneers of the Congolese women's movement

During the pre-colonial period, certain women specially distinguished themselves. They were, in particular, Tshimpa-Vita and Queen Ngalifuru. Tshimpa-Vita, acting within a religious movement known as the Antonines, waged a relentless struggle against the invader to liberate the Kingdom of Kongo. Queen Ngalifuru acted as adviser to her husband, King Makoko.

Under colonization, women were treated as second-rank beings: they were regarded only as mothers and wives and received only the most rudimentary education. In the 1950s women began to organize themselves in a variety of associations. Some of them affirmed their personalities by espousing the existentialist cause.

These associations included:

- "Caiman women", affiliated to the UDDIA led by Fulbert Youlou);
- MSA women (leader: Jacques Opangault);
- "Diamonds";
- "Violets";
- "Pause";
- "Rose";
- "Rosette";
- "Shining star", and others.

A number of militant women distinguished themselves by their demands. Some went to prison on account of their activities. After independence the women's associative movement developed and began to coalesce. This process gave birth to the Union of Congo Women (UFC) and the Democratic Union of Congo Women (UDFC), which merged in 1965 to create the Revolutionary Union of Congo Women (URFC).

URFC was the institutional mechanism in charge of women's issues within the State Party. It was responsible for:

- The mobilization of women and the enhancement of their awareness in the day-to-day struggle for emancipation and advancement in all spheres;
- Solidarity actions on behalf of sisters in countries struggling for their independence and their territorial integrity;
- Establishing links of friendship and bilateral and multilateral cooperation with women's and international organizations.

Until 1990 URFC held the monopoly of representing women at the national and international levels. In the struggle for the emancipation of women and their integration in the development process, it played a determining role thanks to its relations of friendship, solidarity and cooperation with women's organizations in Africa and worldwide.

At the international level, these organizations included:

- The Soviet Women's Committee;
- The Democratic Union of German Women;
- The Union of Czechoslovak Women;
- The Bulgarian Women's Committee;
- The Federation of Cuban Women;
- The Organization of Romanian Women;
- The Hungarian Women's Federation;

– The Chinese Women's Federation, and others.

In Africa, friendly contacts were maintained with the following:

– The National Union of Algerian Women;

– The Union of Angolan Women;

– The Organization of National Union of Cameroonian Women;

– The Organization of Mozambican Women.

As part of its work of promoting peace and international cooperation, URFC took part in international meetings for disarmament and for the preservation of world peace side by side with sub-regional, regional and international organizations such as the Soviet Women's Committee, the Federation of Cuban Women, OMA (Union of Angolan Women), PAWO (Pan-African Organization of Women), WIDF (Women's International Democratic Federation), and MULPOC in Yaounde. It cooperated closely with MULPOC and the African Training and Research Centre for Women (ATRCW) in their capacity as subsidiary organs of the Economic Commission for Africa (ECA).

In connection with these actions, URFC held the posts of Permanent Secretary of the Women's International Democratic Federation (WIDF) in the GDR, Resident Representative of WIDF at UNESCO, and Vice-President of PAWO at the level of the African Regional Coordinating Committee for the Integration of Women in Development (ARCC).

Following the National Sovereign Conference, when the Congo embraced the multi-party system, URFC broke up into several women's associations. Today the Congo has 412 women's associations, non-governmental organizations and groups nationwide.

II. Creation of the Ministry responsible for the Advancement of Women

In 1990, the committed stance of Congolese women led to the creation of the Directorate for Women's Integration in Development (DIFD) and of the Ministry delegated to deal with the integration of women in development in 1992. The Ministry responsible for women's integration in development was created in 1997. In January 1999, for economic reasons, the Department for the Advancement of Women was attached to the Ministry for Civil Service Affairs and Administrative Reform.

The Department's duties include, in particular:

– Implementation of Government policy in matters relating to the advancement of women;

– Equality of men and women and enhanced support for the advancement of women;

– Collection and dissemination of national and international information concerning the role of women;

– Planning and monitoring Acts, measures and other provisions;

– Planning and monitoring all measures and provisions capable of advancing the participation of women in political, economic, social and cultural life;

- Implementation, together with the administrations concerned, of a policy of more effective support to the family, its stability and well-being;
- Collaboration with women's associations and non-governmental organizations;
- Ensuring that the "woman factor" is taken into consideration in the programmes and policies of other ministerial departments;
- Drafting laws and regulations guaranteeing women's rights and freedoms;
- Popularizing international treaties, agreements and conventions on women's rights and watching over their implementation;
- Continuing the struggle for full and complete integration of women in the national development process.

III. The role of other ministerial departments

The Ministry responsible for the advancement of women holds a transversal position that brings it into contact with all other ministerial departments, which in their day-to-day activities offer various services to women. The Department for the advancement of women ensures that the gender factor is always taken into consideration in the other ministries' plans and programmes.

The ministries in question include, inter alia:

- The Ministry of Health and Social Affairs;
- The Ministry of Agriculture and Livestock Breeding;
- The Ministry of Trade;
- The Ministry of Education;
- The Ministry of Culture and the Arts; and
- The Ministry of Justice.

Part Two
Information relating specifically to each article of the Convention

Chapter III
Constitutional and legal framework for the protection of the rights of women
(articles 1 to 3)

Article 1

"For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital

status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

Article 2

"States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in the national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women".

Article 3

"States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality of men and women."

Section I
Upholding the principle of equality between men and women and general prohibition of discrimination

I. Traditional recognition

The principle of legal equality of men and women has been enshrined in Congo's national laws for decades.

The Constitution of 2 March 1961 referred in its preamble to the 1789 Declaration of Human and Citizens' Rights and to the Universal Declaration of Human Rights of 10 December 1948, which formally enshrine the equality of men and women. However, article 1 confined itself to ensuring "the equality before the law of all citizens, without distinction as to origin, religion or race". Beyond that general affirmation, the equality of the sexes was recognized only with respect to suffrage.

Article 4 of the Constitution of 2 March 1961 provided as follows:

> *"Suffrage shall be universal, direct, equal and secret. Congolese citizens of full age of both sexes having the exercise of their civil and political rights shall be entitled to vote under the conditions determined by law."*

The Constitution of 8 December 1963 proclaimed "the equality before the law of all citizens, without distinction as to origin, race or religion" and guaranteed that "women shall have rights equal to those of men" (article 1). For the first time in the constitutional history of the Congo, the equality of men and women was formally enshrined in a law. From that date onwards, all subsequent instruments were to affirm the equality of the sexes in the fields of private, political and social life.

Article 18 of the Constitution of 30 December 1969 provided as follows: "Women shall have the same rights as men in the fields of private, political and social life. Women shall have the right to equal wages for equal work with men. They shall enjoy the same rights with regard to social insurance." This provision was reproduced in articles 17 of the Constitutions of 24 June 1973 and 8 July 1979.

Today, the Basic Act of 24 October 1997 by which the public authorities are governed during the period of transition upholds this constitutional tradition.

Article 14 of the Basic Act reads as follows:

> "All Congolese citizens shall be equal before the law. Any action that accords privileges to nationals or restricts their rights on the grounds of ethnic or regional origin, political or philosophical opinion, religion, sex or physical status shall be deemed contrary to this Basic Act and shall be punishable in the manner provided by law."

Article 23 of the Basic Act reads as follows:

> "Women shall have the same rights as men in the fields of political and social life. For equal work, women shall be entitled to the same wage as men".

Legal equality is also enshrined in the following laws and regulations:

- General Civil Service Statute;
- Collective agreement for public employees, 1960;
- Social Security Code;
- Labour Code;
- Criminal Code.

By way of example, Act No. 021-89 of 14 November 1989 amending the General Civil Service Statute applies to officials and agents of the State without any

distinction being drawn between men and women (subject to provisions relating specifically to maternity leave).

The principle of equality of the sexes and the prohibition of discrimination do not, however, derive from national laws alone.

International conventions ratified by the Congo have a legal value equivalent to that of national laws. They form part of the body of the law and are implemented within the domestic legal order. Women can invoke them before the courts.

Article 81 of the Basic Act of 1997 reads as follows:

> "Treaties or agreements that have been ratified in the regular manner shall have legal force from the date of their publication, subject to implementation by the other party in the case of each agreement or treaty."

Thus the affirmation of equality between men and women is an undeniable fact. It has as its corollary the general prohibition of any inequality of treatment. However, the persistence of discrimination in the law, as well as of factual inequalities, is deplored.

II. Persistence of discrimination in the law

Inequalities are to be found in labour law, taxation law, criminal law and family law.

A. Special status of women in the Labour Code

Questions of night work and of rest periods for women are governed by labour laws.

1. Women's night work

In principle, women cannot be employed for night work. However, under certain circumstances, the Ministry of Labour may, upon consultation of the most representative employers' and workers' organizations, suspend this prohibition (article 108 of the Labour Code).

2. Women's right to rest

Women are entitled to a daily rest period of at least 11 consecutive hours' duration. This rest period commences at 8 p.m. Derogations are allowed in the case of women who work in services concerned with hygiene and well-being and who do not normally perform manual work (article 1098 of the Labour Code).

B. Family law

Congolese family law is the result of a process whereby women have progressed from the status of a "person of full age but without legal capacity" to that of "person of full age" (see above). However, several discriminatory practices remain. The conjugal home is chosen by both spouses. However, in the event of disagreement, the husband's choice shall prevail (article 171 of the Family Code). The man is the head of the family: this is a relic of several centuries of men's superiority over women. The woman may freely exercise the activity of her choice. However, when the interests of the household so require, the husband may obtain from the judge a ban on the exercise of an activity. A woman who has decided to cohabit with her

future husband before marriage has no say in the choice of domicile, which is imposed by her partner.

C. Criminal law

The provisions relating to adultery are discriminatory against women.

1. The charge of adultery

Several discriminatory provisions exist in the sphere of criminal law. They relate to adultery.

The Criminal Code treats adultery differently depending on whether the act is committed by the husband or the wife. A woman is convicted of adultery if she maintains an extra-conjugal relationship, whereas a man , in order to be so convicted, must be keeping a concubine in the conjugal home (article 336 of the Criminal Code). However, in the case of a polygamous household, " an extra-conjugal relationship may be regarded as seeking a partner with a view to contracting marriage" (Supreme Court, No.28, 16 April 1971, Milandou Zephirin vs. Diangouaya Germaine).

2. Murder of an adulterous wife

The Criminal Code absolves a husband from responsibility for the murder of his adulterous wife and her lover in the hypothetical case of a flagrant offence occurring in the conjugal home (article 334 of the Criminal Code). This provision does not apply to a wife who commits the same crime, which is treated as manslaughter. The woman cannot be absolved from responsibility. This means that she is governed by a harsher set of conditions.

D. Discriminatory practices in taxation matters

Generally speaking, equality in taxation matters is upheld in the General Taxation Code. However, inequality persists in connection with the taxation of couples. If a couple is unmarried, each partner is taxed as a single individual. Within marriage, the wife is treated as a "person of full age without legal capacity". In addition to discriminatory legal provisions, the effectiveness of the principle of equality is also limited by practical inequalities.

III. Practical inequalities

Customs continue to be obeyed notwithstanding the existence of a modern legal system and their formal abrogation. This dualism in legal matters contributes towards the persistence of certain customary laws unfavourable to women. To this should be added the weight of prejudice and of a patriarchal culture based on inequality of the sexes and superiority of men over women. These illegal practices are pernicious and do not contribute towards the advancement and emancipation of women.

Among them, mention may be made of the following:

- Taboos and prohibitions in dietary matters;
- Wrongful widowhood rites;

- The subjection of women in sexual and reproductive health matters;
- Difficulties of access in matters of inheritance;
- The custom of levirate;
- Acts of violence;
- Difficulties of access to credit.

Section II
Political, social and economic measures aimed at ensuring the advancement of women

Congolese women, aware of their responsibilities, formed associations at a very early stage. On 5 March 1965 they set up the Revolutionary Union of Congolese Women (URFC), which was to serve as the organization responsible for the advancement of women within the State Party. From 1990 onwards, women's non-governmental organizations and associations began to proliferate. Before the establishment in 1990 of the Department in charge of the advancement of women, URFC and the Ministry of Social Affairs were the only institutions with responsibilities in the matter of women's integration in development.

I. Institutional machinery before 1990

Before 1990, the advancement of women was the responsibility of the Revolutionary Union of Congo Women (URFC) and of the General Directorate for Social Affairs (DGAS) within the Ministry of Social Affairs.

A. Revolutionary Union of Congo Women

Within the State Party, the body principally responsible for representing women and furthering their rights was the Revolutionary Union of Congo Women (URFC). Later, this institution became the women's organization of the Congolese Labour Party (PCT). Since 1986 it has been structured in category unions, divided into four sections with a view to mobilizing different groups of women on the basis of their interests, as follows:

- Union of Women Workers (UFT)
- Union of Women Peasants (UFP)
- Union of Women Shopkeepers, Shop Assistants and Craftswomen (UFCVA)
- Union of Women in the Home and Women Members of Mutual Funds (UFMM).

B. General Directorate of Social Affairs

The General Directorate of Social Affairs (DGAS) established under the Ministry of Social Affairs was principally responsible for furthering the autonomy of individuals and communities, especially those in difficulties, with a view to ensuring their integration in the national development process. It conducted its work through the Directorate for the Advancement of Women, incorporated within it. URFC and

DGAS played a decisive role in the process of emancipation of Congolese women. But with the replacement of the single party by a multi-party system, a number of new women's organizations saw the light of day.

II. Proliferation of women's associations and non-governmental organizations

The adoption of a multi-party system in 1990 opened the way to the establishment of a number of women's non-governmental organizations and associations. We now have more than 400 NGOs operating, in particular, in the following fields:

- Peace;
- Economic development;
- Health;
- Law;
- Education;
- Assistance to children in distress;
- The handicapped.

The proliferation of women's NGOs and associations reflects the growing dynamism and solidarity of Congolese women. The NGOs and associations have organized themselves in networks for the purpose of lobbying on behalf of women's activities. These network include the following:

- Coordination of women's NGOs;
- "Women and Peace" network;
- African Network of Support for Women's Entrepreneurship (RASEF);
- "Women for UNESCO" network;
- Central African Women's Network (RESEFAC);
- Association of women ministers and members of parliament.

III. Institutionalization of the Department responsible for the advancement of women

The establishment in 1990 of the Directorate for the integration of women in development (DIFD) was followed in 1992 by that of the Ministry responsible for the integration of women in development.

A. Directorate for the Integration of Women in Development

This directorate (DIFD) was set up within the Ministry of Planning and Economy with the support of UNPD. Its responsibilities were, first, to formulate and execute the policy of integration of women in development and, second, to coordinate assistance projects. DIFD was to play a decisive role. It helped to make gender issues a priority for the public authorities and contributed towards the adoption of several projects that had a real impact on women. Unfortunately, being only a central directorate it did not possess the necessary authority. This limitation justified the setting up of the Ministry for the Integration of Women in Development (MIFD) in 1992.

B. Ministry for the Integration of Women in Development

For the first time in the history of the Congo, a fully-fledged ministerial department was set up to deal with women's issues. This institutional mechanism crowned the efforts undertaken by all those committed to the service of the cause of women's advancement.

Today, following the government changes that have taken place, the Department for the Advancement of Women forms part of the Ministry for Civil Service Affairs and Administrative Reform (Decree No. 99-212 of 31 October 1999). Within that Ministry, the General Directorate for the Advancement of Women (DGPF) is the organ responsible for implementing the national policy in matters pertaining to the advancement of women (Decree No. 99-211 of 31 October 1999). It is structured in the following manner:

- Directorate for the Advancement of Women;
- Directorate of training, organizing and popularization;
- Directorate of the family;
- Directorate of administration and finance;
- Regional directorates for the advancement of women attached to the central Directorate.

The regional directorates facilitate the taking into consideration of the specific needs of women in the hinterland, and particularly of rural women. The Cooperation Directorate and the Directorate for Project Studies and Planning are directly attached to the Cabinet. The General Directorate for the Advancement of Women has carried out a large number of activities decided upon by the successive ministries responsible for the advancement of women.

IV. Results of activities of the Ministry responsible for the Advancement of Women

The following projects, funded out of the State budget and supported by development agencies, have been executed by the Ministry for the Advancement of Women:

- Project for the strengthening of national capacities in gender and development matters (PRC/94/001), relating to government structures, NGOs and associations. Its object was to ensure that women's needs and interests were taken into consideration in development projects and plans, in particular through training and the work of women's centres. Training activities undertaken in this context included the following:
  - A training workshop in gender and development, where training was provided to 32 women leaders of associations and groups as well as to 7 members of the professional staff of the Ministry for the Advancement of Women;
  - Training of NGOs and groups in project preparation techniques;
- Project in support of the system of credit to women in the unofficial sector (PRC/93/002), aimed at creating a credit system adapted to the needs of women in the unofficial sector and women farmers. This project was executed in Brazzaville, Mindouli, Pointe-Noire, Dolisie, Sibiti and Owando.

Women organizers for the Brazzaville and Mindouli women's funds were trained by a UN volunteer. An initiation in fund management techniques was provided to directors of the Pointe-Noire, Dolisie, Owanda and Sibiti funds. Eighty-one women at Mindouli and 104 in Brazzaville attended training courses in the management of micro-activities:

- Advanced training course in community development and micro-projects, held in Brazzaville in May 1997, designed to improve the participants' theoretical and practical skills in the planning of profit-making community projects. At this three-week course, which was organized with the support of the State of Israel, 30 women received training in project preparation and management techniques;

- Project for the advancement and integration of women in rural development (TCP/PRC/4452 (A)), financed by FAO. About a hundred senior civil servants and leading members of NGOs in Brazzaville and four regions were trained in gender differential analysis. Six micro-project feasibility studies were also carried out. This project helped to eliminate a number of constraints on the development of rural women's activities and led to the preparation of a "Plan of Action for the integration of women in agricultural and rural development";

- Support for women's associations in the production of food-crop seeds (TCP/PRC/6611).

The purpose of this activity was to reactivate the supply of improved seeds to groups producing food crops by supporting the production of seeds by women's associations in the regions of Bouenza, the Pool and the Plateaus. A training session was held for 50 women peasants (seed multipliers), organizers, group leaders and field staff.

Seeds were distributed to:

- 16 women at Kimpalanga (Bouenza);

- 10 women at Madiadia (Bouenza);

- 6 men at Kimpalanga (Bouenza);

- 10 men at Mukeko (Sanga);

- 10 women at Mathy (Pool) and

- Nuns at Linzolo (Pool);

- Project for strengthening national capacities for the development of women's activities (PRC/96/PO1) sets out to improve family well-being and to promote the integration of women in development. It is supported by UNFPA. Activities under this project have included the following:

• Training of 7 women at Abidjan, Lomé and Tunis in information, education and communication (IEC) in the field of reproductive health, sexual health and family planning (RH/SH/FP);

• A study on the rights of Congolese women;

• A seminar on the establishment of the Women's Information and Documentation Centre (November 1998);

- A seminar on equal rights of women (August 1998);
- A seminar on popularization of women's rights, reproductive health and sexual health;
- Distribution of 8,000 condoms;
- Production and broadcasting of 18 programmes on Radio Liberté, Radio Brazzaville and the rural radio station on women's rights in SH/RH/FP;
- Publication of 5 articles in the national printed press;
- Production of two videocassettes on activities conducted in basic communities;
- Acquisition of 34 bicycles;
- Information, education and awareness-raising campaigns on SH/RH/FP and on sexual violence held in Brazzaville (2,084 participants, including 424 men, 1,155 women, 505 youths), Pointe-Noire (667 participants including 159 men, 285 women, 223 youths), Owando (80 participants including 8 men, 42 women, 30 youths), Oyo (46 participants including 4 men, 32 women and 10 youths), Lekana (15 participants including 3 men, 7 women and 5 youths) and Ouesso (40 participants including 4 men, 16 women and 20 youths);
- Project follow-up and monitoring missions, following which 45 women organizers attended re-training courses in Pointe-Noire, 35 at Ouesso and 20 at Lekana;
- Awareness-raising campaigns on sexual violence held in Brazzaville, Pointe-Noire, Owando, Ngoko, Lekana and Ouesso.

– Project "Promotion of equality between women and men: preparatory assistance" seeks to enhance the involvement of women in the process of consolidation of peace and development (PRC/98/008).

It includes the following components:

- Restoration and consolidation of peace in the Congo;
- Support to income-generating activities;
- Prevention and suppression of violence against women.

This project is financed by UNDP and executed at the Women's Research, Information and Documentation Centre (CRIDF).

The four following aspects were developed in 2000 and 2001:

– Promotion of income-generating activities for women and youths;

– Awareness-raising of women and youths on the need for the restoration of peace;

– Advancement of women's and family rights;

– Strengthening of capacities.

- 97 micro-projects involving 4080 persons have been financed. They have enabled women formerly displaced by war to return to their homes and to resume their economic activities in agriculture, petty trading and catering. 16 production units received support for soap-making (10 persons trained),

catering, baking and pastry-cooking (10 persons) and dyeing (21 persons). 20 women and girl victims of sexual violence obtained financial support after receiving training in micro-activity management.

- 85,000 women and youths at Brazzaville, Sibiti and Dolisie attended awareness-raising courses on the importance and need for peace for sustainable development.
- 73 women lawyers and members of NGOs and women's associations received training by eminent law practitioners, who discussed the Family Code, civil and criminal procedure, the Criminal Code and communications techniques. This activity formed part of the process of setting up the Legal Aid and Assistance Centre (CAAJ), which is now in operation. CAAJ provides legal information to women free of charge. It is run by the Association of Women Lawyers of the Congo (AFJC) and also received USAID financing in 2001.
- The strengthening of NGO capacities has contributed towards the organization of a sub-contracting system. Training has been provided to instructors in micro-project management (20 persons), women's savings and credit banks (42 persons) and market gardening (70 formerly displaced women and 100 heads of families). A mechanism for cooperation and exchange of experience between NGOs has been established.

V. Women's Research, Information and Documentation Centre

The Women's Research, Information and Documentation Centre (CRIDF) is a place for meetings, exchanges, information, education and communication, training, guidance and social and economic advancement of women (Decree No. 99-299 of 31 December 1999).

This public establishment is placed under the guardianship of the Ministry responsible for the advancement of Women. It is directed by the Director-General and includes the following departments:

- Department of women and fundamental rights;
- Department of women, health and social affairs;
- Department of training, education and leisure activities;
- Department of women and the economy;
- Department of tourism and the environment;
- Department of the girl child;
- Information, communication and documentation centre.

Regional and local branches will be established as necessary.

VI. Other ministerial departments with responsibilities in the sphere of advancement of women

Other ministries within the public administration also intervene in the management of issues relating to women and children. They include, inter alia, the Ministry of Agriculture and Livestock Breeding, the Ministry of Justice, the Ministry of Economic Affairs, Finance and Budget, the Ministry of Health, Solidarity and

Humanitarian Action, the Ministry of Education and the Ministry of Trade. Joint activities are undertaken with the Department for the Advancement of Women to ensure that the gender component is taken into consideration in their respective programmes.

VII. Policy and plan of action for the advancement of women

For the first time in the history of the Congo, the advancement of women forms the subject of a policy document accompanied by a three-year plan of action. This instrument was adopted by the Government on 15 September 1999. It governs all decisions to be taken in the field of the advancement of women at the national level. It involves the State, NGOs, associations, the private sector and the development agencies.

A. National policy of advancement of women

The national policy of advancement of women has four main goals:

- To promote and protect the rights of women and girls;
- To create follow-up and monitoring organs;
- To develop women's economic potential; and
- To improve the conditions of life of Congolese women.

These goals will be attained through strategies for action in the following fields:

- Legal and political status;
- Employment in the official sector;
- The unofficial sector;
- Health;
- Violence against women;
- Education;
- Water, environment and sanitation.

B. Plan of action in matters pertaining to the advancement of women

The plan of action in matters pertaining to the advancement of women (PNPF) for 2000-2002 includes the four following sub-programmes:

- Rights of women and girl children; women's access to decision-making;
- Violence against women;
- Access to incomes;
- Health and environment.

The overall cost is estimated at 1,989,850,000 CFA francs.

Monitoring and evaluation of the national plan for the advancement of women are carried out at national level by a steering committee and a technical committee, and at regional level by a regional steering committee presided by the Prefect. The State, the development partners (bilateral and multilateral cooperation), NGOs and

associations contribute, in a manner determined in advance, to the financing and execution of the plan of action.

Section III
Legal machinery for the protection of women's rights (article 2 (c))

Congolese law allows women, in their capacity as human beings and subjects of law, to have recourse to the courts. Depending on the nature of the injury and the offence, a woman can bring her case before a civil, criminal or administrative court. Genuine equality of men and women exists on this point. Moreover, the rights of women taken into consideration by judges do not derive from national legislation alone.

Conventions ratified by the Congo are applicable within the country's legal order, their legal value being equivalent to that of law. This means that judges can refer to them in determining the legal status of women and can administer justice on the basis of finding a violation of a standard enshrined in an international convention applicable by virtue of its ratification and publication. Such standards thus become sources of law to which judges are required to refer – although, in practice, that does not happen. In practice, for a combination of reasons, particularly owing to ignorance of the conventions, judges do not apply the international standards incorporated in the domestic legislation. Such ignorance is not, however, confined to judges.

Men as well as women are ignorant of the national laws as well as of the international treaties. They do not go to court in order to claim their rights. We should point out, however, that a further reason for the absence of actions brought is the fear of reprisals. Even if informed of her right to do so, a woman who has been despoiled of her property will not dare to go to court for fear of repudiation, divorce or of sorcery that may be practised against her or her children.

Thus, while formally there are several legal mechanisms available to women, the progress achieved is limited by ignorance of laws and legal procedures coupled with fear of sorcery.

The following recommendations regarding women's rights can be formulated for the future:

- Identification and encouragement of positive customs;
- Reform of provisions of the Criminal Code relating to adultery, rape and the prohibition of paedophilia and sexual harassment;
- Reform of the system of taxation of married women;
- Holding of information and training seminars on women's rights for judges and for society at large;
- Organizing IEC activities on women's rights;
- Consideration given to harmonizing national laws with conventions ratified by the Congo;
- Elimination of legal discrimination;

- Definitive abolition of persisting backward customs;
- Translation of national laws and international conventions into vernacular languages (Lingala, Kitouba).

Chapter IV
Temporary special machinery aimed at accelerating de facto equality of men and women (article 4)

Article 4

"1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory."

Generally speaking, Congolese legislation submits men and women to identical conditions in matters of law.

At present, there exist certain special provisions that establish positive action, i.e. temporary and special measures designed to accelerate the introduction of de facto equality which accords more favourable treatment to women than to men.

Furthermore, pregnant women and nursing mothers benefit from special treatment.

The Congo has ratified a number of conventions relating to maternity protection, including, in particular, CEDAW, the International Covenant on Economic, Social and Cultural Rights, and the ILO Convention concerning the Employment of Women before and after Childbirth.

The protection measures extend to both the public and the private sector.

Section I
Protection of pregnant women in the public sector

Act No. 021-89 of 14 November 1989 amending the general civil service statute, special statutes and regulations governing their implementation relates inter alia to the protection of pregnant women and nursing mothers in the public sector. Maternity leave is governed by articles 127 and 129 of the Act, which allow "a civil servant of the female sex to obtain the suspension of her service obligations in the event of childbirth". Maternity leave is a woman's statutory right. She can neither renounce it nor be deprived of it. Throughout the period of maternity leave the woman receives the full amount of her salary. The duration of maternity leave is 15 weeks including 9 weeks after the confinement. It commences six weeks at the earliest and two weeks at the latest before the confinement. If on the expiry of

fifteen weeks the woman is not fit to resume her duties, she may be granted sick leave on production of a medical certificate issued by a sworn medical practitioner.

Maternity leave cannot be taken concurrently with administrative leave (article 9, Decree No. 86/067 of 16 January 1986 regulating the conditions of leave for professional civil service staff). All special civil service statutes in force contain similar maternity leave provisions; however, these are often more favourable to women.

Example:

The statute of Marien Nguabi University provides for maternity leave of 20 weeks as against 15 weeks in the general civil service statute.

Section II
Protection of pregnant women in the private sector

The Labour Code provides for maternity leave for pregnant women. During this period, the employer may not terminate a woman's work contract. A pregnant woman whose condition is medically attested may leave her work without notice and without having to pay a fine for breach of contract. One half of her wage is paid by the employer and the other half by the national social security fund (CNSS). She is entitled to free medical care. If her health so requires, she may stop working in advance of the legally prescribed leave period. In practice, employers in the private sector are reluctant to recruit women because of their allegedly frequent absences on maternity leave, which, it is claimed, are bad for the firm's productivity. This practice helps to generate real discrimination against women and to exclude them from the labour market. It also leads to wrongful dismissals in the event of pregnancy.

Knowledge of the law ought to enable women to denounce any wrongful dismissal.

Under the heading of "prospects", consideration might be given to formulating future positive actions that could contribute towards the advancement of women.

Chapter V
Elimination of stereotyped ideas of a sexist nature (article 5)

Article 5

"States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary superiority of either of the sexes or of stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases."

Sexist stereotypes exist within the family, in education and at work.

Section I
Stereotypes in the family

A number of different stereotypes of a sexist nature are observed within the family. They have the effect of assigning clear-cut tasks and roles to men and women. They determine the education that children of either sex will receive from early infancy. Girls perform household chores that are relatively disagreeable, while the boys play.

In traditional society, the child's sex determines the attitude towards it of its family and of society at large. In early infancy the child lives in the protective shadow of its mother. Once weaned, it is gradually absorbed into the world of men or the feminine universe, where it is prepared for its future responsibilities as a man or as the mother of a family. Thus, the little boy is taught to hunt and fish and trained in fulfilling his future responsibilities as head of a family, while the little girl learns how to cook, work in the fields and become an obedient mother and a respectful wife. At the end of this period the child goes through the appropriate rites of initiation, which mark his or her entry into the adult world.

These stereotypes handed down by tradition continue to mark our people's behaviour. Notwithstanding the considerable development that has taken place at the level of ideas, we note that certain roles are still attributed within the family. Children receive an education that confines girls to a set of well-defined tasks (cleaning, cooking, looking after siblings, working in the fields, etc.), whereas the boys, for the most part, do nothing. When not out in the fields, they play. There is no question of their taking part in chores regarded as specifically feminine. And the mothers participate in reproducing these attitudes. However, a marked development has taken place in the last few years, accelerated by the many conflicts that have swept the country. More and more men and teenage boys are engaging in agricultural work.

Section II
Stereotypes in education

The conditions for entry into formal education are the same for girls and boys. Statistics show girls as being in the majority at the early stages, a high female dropout level being observed later on. So far as instruction is concerned, it is noted that the contents of school textbooks tend to reproduce the sexual division of work whereby women are relegated to household duties or oriented towards certain well-defined areas. For example, school teaching, secretarial work and work in the health sector are traditionally reserved for women, while careers in science and technology are the preserve of men.

Section III
Stereotypes at work

Many stereotyped patterns exist in the world of work. Women are concentrated in certain sectors (teaching, health, agriculture, commerce, etc.). They form the majority of the agricultural workforce and, in the civil service, rarely reach higher than mid-level positions. There are few women in senior posts, and those there are tend often to be regarded as either sexless or "light". When a woman is promoted,

this is often perceived as the result of favours or largesse received rather than of any competence on her part. Yet some brilliant women students and trainees do emerge in the course of training.

The opening up of the army to women entrants in 1974 was the achievement of the Revolutionary Union of Congo Women (URFC), which always maintained that Congolese women were capable of joining the country's armed forces (FAC). Since then the number of women in the military has risen. Today two women are colonels in the army, one is a colonel in the police force and many others hold officer rank in these institutions.

I. Sexual harassment

Women are often exposed to sexual harassment in the workplace. Some consent to such treatment and receive favours in return, while others react strongly against what they regard as a negation of their rights and abilities. The law neither defines nor punishes sexual harassment. It would seem that public opinion favours a degree of tolerance with regard to such practices, which ensure a certain illusory social advancement for some women. Minds are not yet ready for sexual harassment at the workplace and in society in general - although frequently derided on the stage - to be proclaimed an offence.

II. Women and the media*

For economic and technical reason, State radio and television broadcasts cover only a part of the national territory, essentially Brazzaville and Pointe-Noire. This means that women, in particular, have no access to information broadcast by these media. Furthermore, the proximity of the Democratic Republic of the Congo enables Congolese listeners and spectators to receive programmes produced by that country's media. Both the national and the foreign media broadcast information that tends to reproduce sexist stereotypes unfavourable to the image of women. This situation is due principally to the fact that women form a minority in media professions, do not receive sufficient training and do not rise to responsible positions.

A. Women's place in the media

According to data obtained in October 1999, women form a minority in the State media. There are currently 183 women journalists as against 412 men. Women journalists are under-represented in both the public and the private press. To date, only one woman has been appointed Director-General of the National Radio Company, and she did not have an information background. This situation is partly due to the fact that the training received by women does not qualify them for senior posts. Women journalists account for 7.74% of Grade III journalists, 14.76% of Grade II journalists, one-third of those in category B1 and the majority of those in lower categories.

On the one hand, such minority representation means that women cannot influence the choice of programmes; on the other hand, it does not contribute to the dissemination of a positive image of women.

* At the time of going to press, full coverage by the national communications system had been established.

Table 1
Journalists on the staff of the Ministry of Communications

Category and grade	*Sexes*		*Total*
	Men	*Women*	
Journalist Grade III (AI)	176	15	191
Journalist II (AII)	52	9	61
Journalist I (BI)	126	55	181
Journalist (CI)	38	78	116
Auxiliary Journalist (DI)	20	26	46
Total	**412**	**183**	**595**

Source: Ministry of Communications, 1999.

B. The image of women in the media

The image of women propagated by the media helps to reproduce sexist stereotypes. A woman is presented as a seductive creature whose physical attractions are used to market this or that product. The same approach is adopted by most announcers, as well as in commercials. Women are also presented in the role of housewives, wives or daughters. The allocation of tasks between men and women tends to reproduce the traditional division of labour, namely, domestic chores for women and representational and decision-making powers for men.

III. Forms of violence inflicted upon women

Traditional practices and modern laws, both of which place the man at the head of the family, are perceived as conferring upon him the right to chastise his spouse. In the private sphere, women suffer multiple ill-treatments of varying intensity. These acts are perpetrated under the seal of silence and are generally regarded as normal. Women are silent victims to whom it would never occur to denounce an aggression committed by their husband, father or brother. Such attitudes tend to exist to this day, which explains, in particular, the small number of court actions brought to date. Furthermore, rape of a wife by her husband is not an offence under Congolese law.

The Criminal Code lists several types of violence against women, as well as acts of violence against women during armed conflicts.

Chapter VI
Suppression of exploitation of women (article 6)

Article 6

> "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

Prostitution is a reality despite its prohibition by law.

Section I
Prostitution: a reality

Prostitution is a social phenomenon that exists in both urban and rural environments. In the absence of investigations or studies that would make it possible to determine the scope and manifestations of prostitution, it nevertheless appears to be very widespread in the towns. Prostitution is practised, in particular, on public highways and in hotels, nightclubs and bars. Sleazy hotels are the preferred locations for these practices. It should be noted that women and girls who have been identified come for the most part from neighbouring countries.

The phenomenon can be explained by a number of factors:

- The economic crisis and its consequences;
- The decline of morals;
- The crisis in values;
- Abdication by parents in face of their responsibilities;
- Acts of violence in the home;
- The breakdown of the family nucleus.

These sexual practices are taking place in a context marked by the prevalence of STD and HIV. Prostitutes generally practise unprotected sex, which increases the risk of propagation of the HIV pandemic as well as of unwanted pregnancies.

Section II
Legal prohibition of prostitution and its consequences

The Criminal Code prohibits prostitution and severely punishes prostitutes and procurers.

I. Prohibition of prostitution

The Criminal Code formally prohibits prostitution, which constitutes a breach of morals. The phenomenon is perceived through the act of procuring, which constitutes an offence.

II. Prohibition of procuring

The Criminal Code defines the procurer as a person who:

- Aids, assists or protects a person who engages in prostitution;
- Shares in the returns derived from the prostitution of another person or persons;
- Recruits, trains or keeps a person of full age with a view to prostitution;
- Acts as an intermediary between persons engaging in prostitution or debauchery.

A procurer is punishable by imprisonment of 6 months to 2 years and a fine of 400,000 to 4,000,000 francs CFA (article 334 of the Criminal Code). These penalties

rise to 5 years' imprisonment and a fine of 1,000,000 to 10,000,000 FCFA if the offence is committed in respect of a minor or under constraint, abuse of authority or of the law

- By the victim's husband, mother or guardian;
- By a representative of the law or of public order.

III. Prohibition of brothels

The Criminal Code prohibits the opening of brothels and imposes heavy penalties upon "any individual who owns, directly or through an intermediary, manages, directs or operates a house of prostitution, or who habitually tolerates the presence of one or several persons engaging in prostitution in a hotel, furnished house, pension, licensed premises, club, circle, dance-hall or place of entertainment or their annexes or any place open to the public or used by the public and of which he is the owner, manager or director" (article 335 of the Criminal Code).

In the event of a clear violation, the owner, manager or director has his licence withdrawn and runs the risk of definitive closure of his establishment. He is also prohibited from acting as a guardian or trustee.

The reality, however, does not bear out these rules. The legal provisions are not applied, places of prostitution are numerous, and no real steps are taken against prostitutes, procurers or brothel owners or keepers.

The inadequacy of preventive measures must also be deplored.

So far as prospects are concerned, a number of measures ought to be undertaken in order to protect the victims of prostitution. Such measures include the following:

- Studies to evaluate prostitution in all its forms;
- IEC measures to make prostitutes and the whole of society aware of the risks inherent in this practice;
- Involvement of the national programme of AIDS control (PNLS) in the prevention of prostitution and control of prostitutes;
- Implementation of repressive laws;
- Involvement of civil society in the problems arising from prostitution;
- Enhancement of parents' awareness of their responsibilities towards their children;
- Combating poverty;
- Internationalization of the relevant laws and continent-wide cooperation.

IV. Protection of the young

The Criminal Code penalizes acts aimed at promoting debauchery among persons of both sexes aged less than 21 years and of minors aged less than 16 years. The authors of such acts are liable to the heaviest penalties, whatever the place of commission of separate elements of the offence (article 334 of the Criminal Code).

Chapter VII
Participation of women in political and public life (article 7)

Article 7

"States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country."

Women account for more than half of the Congo's population (52%) and make a considerable contribution to the country's economy, especially in agriculture, where they form 70% of the workforce and account for 60 to 80% of the foodstuffs produced and for almost 100% of non-industrial processing of agricultural produce. They are the mainstay of the health system, and the great importance of their role in the upbringing of children is recognized. However, their contribution is limited by reason of a variety of social, economic, cultural and legal obstacles. Yet given the proportion of women in the population as a whole, there can be no question of development unless women have access to resources, are taken into consideration in policies and strategies as both agents and beneficiaries of development, and participate in decision-making and in the political and public life of the country.

In ancient societies – Latin, Greek, Ethiopian, Congolese and others – women have always played a role of prime importance as queens, mothers and advisers. In the Congo, two women among many others achieved special distinction. They were Tshimpa Vita, who, like Joan of Arc, took up arms to defend her kingdom, and Queen Ngalifuru, who acted as chief adviser to her husband, King Makoko. Upon her husband's death she succeeded to the throne and exercised her prerogatives with courage and dignity in order to preserve the kingdom's dignity and greatness.

Thus, women in the Congo were never relegated to the margins of political life. Keepers of the ancestral cultural heritage, they were and are receptive to new values. This makes them, as it were, the hinge between two societies, traditional and modern; yet the transition from a traditional to a modern society has weakened their participation in political and public life. By an atavistic reaction, our societies have relegated women to the background. Women the world over are often regarded as inferior beings, perennial minors passing from the authority of the father to that of the husband. Yet a careful look at the functioning of our society reveals that women are vested with great powers in matters of social protection and of the socialization process. The fact that they have been entrusted with these responsibilities implies a recognition of their capacity as teachers and psychologists.

Section I
The early history of the women's movement in the Congo

Towards the end of the colonial era, especially just before and during independence (1960), Congolese women began to form associations, to think about their emancipation and development, and to claim their rights. A number of associations thus came into being under such names as "Violet", "Pause", "Rose", "Rosette", "Diamond", "Niari Alliance", "Caiman Women", "Shining Star", etc. These were social and cultural associations whose activities were confined essentially to such areas as cooking, sewing, embroidery, literacy classes, sports, theatricals, traditional dancing and mutual aid. In addition, the French Union of African Women (AFUF) was set up in Brazzaville in 1959 under the chairmanship of the wife of the High Commissioner for French Equatorial Africa. Its aim was to educate Congolese women in the social, cultural and economic spheres.

In 1960, another association was set up at Pointe-Noire. This was the Association of African Women (AFA), affiliated to the International Women's Committee, and its principal aim was the emancipation of women and their participation in the nation's social, economic and cultural development.

The Union for the Emancipation of African women (UEFA) was created in 1969, again at Pointe-Noire, with the object of making women aware of the need to develop their personalities and their autonomy with a view to their effective participation in all areas of national activity. This association was later to become the Union of Congo Women (UFC). In 1964 all these associations merged together to form a front for the struggle for emancipation and women's rights, known as the National Union of Congo Women (UNFC), which, following a general assembly, became the Democratic Union of Congo Women (UDFC). At the Congress of March 1965, UDFC became the Revolutionary Union of Congo Women (URFC), with the following goals:

- Organization, mobilization, education and political guidance of women with a view to their effective participation in the national development process;
- Consolidation and intensification of links of friendship and solidarity with all peace and justice-loving women in the world and in particular with national, sub-regional, regional and international organizations pursuing the same goals as URFC.

From 1976 onwards URFC had a seat on the decision-making administrative bodies concerned with conditions in public administration and in private enterprises.

Within the framework of the implementation of prospective strategies on women's integration in development adopted at the Nairobi Women's Conference of 1985, URFC proceeded in 1986 to restructure its intermediate and basic structures. Women were thenceforth organized on the basis of their specific interests.

The four following category-based unions were thus established at the 7th Congress of URFC in 1986:

- Union of Women Workers (UFT)
- Union of Women Peasants (UFP)
- Union of Women Shopkeepers, Shop Assistants and Craftswomen (UFCVA);

– Union of Women in the Home and Women Members of Mutual Funds.

A large number of women's NGOs and associations active in all fields of public and associative life sprang up in 1990 soon after the National Sovereign Conference and with the advent of democracy in the Congo.

Today the Congo has some 412 women's NGOs and associations.

The absence of an effective institutional framework for the orientation and implementation of a policy of integration of women in development led the Government to establish in 1990, with the support of UNDP, a Directorate for the Integration of Women in Development within the Ministry of Planning. This body was given the status of a Ministry (Ministry of Integration of Women in Development) in 1992, becoming, after the war of 1997, the Ministry of the Family and of Integration of Women in Development. In 1998 this Ministry was attached to the Ministry of Civil Service Affairs, Administrative Reform and Advancement of Women. It should be noted that all the bodies responsible for women's issues have always been headed by a woman senior civil servant.

Despite the numerous attainments of the women's cause at the level of the law, the practical reality is still very different. Women remain under-represented at the decision-making level in public life.

Section II
Representation of Congolese women

Women have always been under-represented in decision-making bodies. This is equally true of Parliament, the civil service and the judiciary.

A. Representation of women in Parliament

Women's representation in Parliament has always been insignificant. This applies to each of the Congo's successive legislatures.

1963 election: Three women elected to Parliament
Total number of deputies: 51 men, 3 women

1973 election:
Total number of deputies: 117 men, 8 women

Election of 8 July 1979 (4th legislature):
Total number of deputies: 139 men, 13 women
Bureau : 5 members
4 men, 1 woman

Election of 24 September 1984 (5th legislature):
Total number of deputies: 138 men, 15 women
Bureau: 4 members, all men

Election of 24 September 1989 (6th legislature):
Total number of deputies: 133
114 men, 19 women
Bureau: 5 members
4 men, 1 woman

Election following the Sovereign National Conference, June 1991 (7th legislature):
Total number of deputies: 153
138 men, 15 women
Bureau: 9 members
7 men, 2 women

Election of 24 July 1992 (8th legislature):
Total number of deputies: 125
123 men, 15 women
Bureau: 7 members, all men
Senate: total number of members, 60
58 men, 2 women
Bureau: 7 members, all men

Election of 6 June 1993 (9th legislature):
Total number of deputies: 125
123 men, 2 women
Bureau: 7 members, all men

10th legislature resulting from the National Transition Council, 1998
Total number of Council members: 75
66 men, 9 women
Bureau: 5 men, 2 women.

Table 2
Composition of Parliament by legislature and by sex

			Men		Women	
Election date		*Number of seats*	*Number*	*%*	*Number*	*%*
14/6/59		61	61	100	0	0
8/12/63		55	52	94.6	3	5.4
24/6/73		125	111	88.8	14	11.2
8/8/79		152	139	91.4	13	9.1
23/9/84		153	138	90.1	15	9.9
13/6/89		133	114	85.8	19	14.2
24/9/91		153	141	92.1	12	7.9
24/6/92	Senate	60	58	96.6	24	3.4
19/7/92	National Assembly	125	120	95.9	5	4.1
14/1/98		66	64	88	9	12

Table 3
Composition of regional councils

		Men		Women	
Period	*Total*	*Number*	*%*	*Number*	*%*
1979-1984	486	431	84.7	55	11.3
1984-1989	555	506	91.2	49	8.8
1992	426	411	96.5	15	3.5

Table 4
Composition of district and administrative division councils

		Men		Women	
Period	*Total*	*Number*	*%*	*Number*	*%*
1979-1984	1 050	959	91.3	91	8.7
1984-1989	1 566	1 421	90.75	145	9.25
1992	1 016	979	96.4	37	3.6

These figures indicate that between 1984 and 1989, under single-party rule, the number of women deputies in the National Assembly was rather high; paradoxically, this trend became less marked upon Congo's entry in the democratic era, the reason being that women candidates failed to receive sufficient support from their political parties and from other women. The representation of women resulting from parliamentary and municipal elections and from elections to the Senate is absurdly small considering the size of the female electorate. The same pattern is repeated at the level of local government bodies.

B. Representation of women within the administration

Forty years after independence there is only a handful of women in responsible positions within the public administration. The first woman minister was appointed in 1975, which was International Women's Year. She took the head of the Ministry of Social Affairs. The second woman to occupy such a post was appointed in 1984 and given the Basic Education portfolio. In 1989 a woman joined the Government as Minister of Labour and Social Security. In 1991 the Department of Social Affairs was placed under a woman's control. In 1992, that of Communications, Post Office and Telecommunications was entrusted to a woman, who also became the Government's spokeswoman. In 1996 there were three women ministers, responsible respectively for Women's Integration in Development, Post Office and Telecommunications, and Social Affairs and Social Integration.

In 1997 the Human Rights portfolio was entrusted to a woman for some months. After the war of 5 June 1997, three women entered the Government to head the Ministries of:

- Civil Service Affairs and Administrative Reform
- Culture and the Arts (also responsible for francophone culture)
- Women's Integration in Development.

Two women participated in the Government in January 1999; they were responsible, respectively, for civil service affairs, administrative reform and the advancement of women and for culture, the arts and tourism. Since 1998 a woman has been appointed secretary-general of the National Transition Council (CNT), or transitional parliament.

Women's participation in the Government between 1975 and 2000 is shown in the table below.

Table 5
Participation of women in the Government

Period	*Total*	*Men*	*%*	*Women*	*%*
1975	17	16	94.1	1	5.9
1980	22	22	100	0	0
1985	20	19	95	1	5
1989	22	21	95.5	1	4.5
1991	21	20	95.2	1	4.8
1993	34	32	94.1	2	5.9
1995	35	32	91.4	3	8.6
1997	*35	32	91.4	3	8.5
1997	**			3 after the war	
1997-1998	35	32	91.4	3	8.6
1999-2000	25	23	92	2	8

The situation of women is hardly any better at the administrative level. Whereas, according to the general population and habitat census of 1984, female representation in senior posts then amounted to 3.9%, today the level has declined.

A study of women's potential in the modern sector conducted in Brazzaville in 1991 confirms this trend with regard to the public, mixed and private sectors.

Table 6
Senior posts occupied in 1991

	Sex	
Post	*Men*	*Women*
Director-General	127	3
Counsellor	162	15
Director of a central department	593	74
Attaché	120	32
Chief of section	1 428	242

Ministerial cabinets are characterized by the under-representation of women.

Table 7
Chef de Cabinet posts occupied

	President's office		*National Assembly*		*Senate*		*Prime Minister's office*		*Ministers*	
Year	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*
1992	1	1	1	0	1	0	1	0	33	0
1994	0	0	1	0	1	0	1	0	33	2
1997*	1	1	1	0	1	0	1	0	32	1
1997 after the war**	1	0	1	0	0	0	0	0	24	2
1998	1	0	1	0	0	0	0	0	24	3
1999	1	0	1	0	0	0	0		2	1

There are very few women holding the post of counsellor or attaché in ministerial cabinets.

Table 8
Counsellor posts occupied

	President's office		*National Assembly*		*Prime Minister's office*		*Ministers*	
Year	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*
1992	11	1	31	3	20	21	115	13

Table 9
Attaché posts

Year	President's office		National Assembly		Prime Minister's office		Ministers	
	M	W	M	W	M	W	M	W
1992	23	3	44	7	28	7	100	18

In 1991 (and again at present) one of the three Senior Officers at the Ministry of Finance and Budget was a woman (3rd Senior Officer).

Table 10
Prefects

Year	M	W
1980	9	0
1985	8	1
1993	10	0
1999	10	0
2000	10	0

Table 11
Sub-Prefects

Year	M	W
1980	47	0
1985	47	0
1993	47	0
1999-2000	47	0

It should be noted that a woman is currently the secretary-general of a prefecture and three women are chiefs of districts.

Furthermore, from 1987 to the year 2000, four women were appointed mayors of districts in the boroughs of Pointe-Noire, Dolisie and Brazzaville.

C. Representation of women within the judiciary

The situation in the judiciary is largely the same. Only three of the 23 members of the Supreme Court are women. In the Courts of Appeal, only one out of four Prosecutors-General is a woman, and no appeals court is presided by a woman.

In the eight High Court tribunals, only one woman is a president of the court and there is no woman State Prosecutor. In the six magistrates' courts of Brazzaville and Pointe-Noire, only one woman is a State Prosecutor (at the Poto-Poto magistrates' court).

Table 12
Ministry of Town Planning and Habitat

	Chef de Cabinet		*Director-General*		*Directors of central departments*		*Chiefs of section*		*Head clerks*	
Year	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*
2000	1		1		2		6	2	5	7

Table 13
Ministry of Culture, the Arts and Tourism

	Chef de Cabinet		*Director-General*		*Directors of central departments*		*Chiefs of section*		*Head clerks*	
Year	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*
1979	1	0								
1980					3	1	7	1		
1985										1
1989										1
1990								1		1
1992			1	1						
1993										1
1996										1
1998			1	1						
1999-2000	1		2		2	2	8	2		10

Table 14
Ministry of Public Works

	Chef de Cabinet		*Director-General*		*Directors of central departments*		*Chiefs of section*		*Head clerks*	
Year	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*
2000	1	/	4	/	12	0	35	3	/	16

Table 15
National Social Security Fund (CNSS)

	Director-General		*Directors of central departments*		*Chiefs of section*		*Head clerks*	
Year	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*
1999-2000	1	/	4	1	16	13	4	20

Table 16
Ministry of Forests responsible for Fisheries and Fish Resources: year 2000

Gender	*Chef de Cabinet*		*Director-General*		*Directors of central departments*		*Chiefs of section*		*Head clerks*	
	M	*W*	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*
	1		1		6		17	2	34	10
					At regional level		At regional level			
					11	0	33	2		
							Brigade leaders			
							35	1		

Table 17
Ministry of Agriculture and Livestock Breeding (year 2000)

Gender	*Chef de Cabinet*		*Director-General*		*Directors of central departments*		*Chiefs of section*		*Head clerks*	
	M	*W*	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*
	1	0	1	0	10	1	35	3	67	18

Table 18
Ministry of Justice, 1979 to 2000

Year	*Chef de Cabinet*		*Director-General*		*Directors of central departments*		*Chiefs of section*		*Head clerks*	
	M	*W*	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*
1999-2000	3	1	3	0	4	3	8	7	17	7

Table 19
Ministry of Primary, Secondary and Higher Education, 1979 to 2000

Year	*Chef de Cabinet*		*Director-General*		*Directors of central departments*		*Chiefs of section*		*Head clerks*	
	M	*W*	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*
1997-2000	2	0	2	1	3	0	3	0	4	2

Table 20
Ministry of Energy and Hydraulics, 1979 to 2000

(1) Directorate of Hydraulics

Year	Chef de Cabinet		Director-General		Directors of central departments		Chiefs of section		Head clerks	
	M	W	M	W	M	W	M	W	M	W
2000	1	0	1	0	3	0	8	2	3	0

(2) Directorate of Energy

Year	Chef de Cabinet		Director-General		Directors of central departments		Chiefs of section		Head clerks	
	M	W	M	W	M	W	M	W	M	W
1998-2000	1	0	1	0	3	0	14	0	24	5

Table 21
Ministry of Post Office and Telecommunications, 1997 to 2000

Year	Chef de Cabinet		Director-General		Directors of central departments		Chiefs of section		Head clerks	
	M	W	M	W	M	W	M	W	M	W
1997	1	0	1	0	2	0	2	0	2	0
1998	1		1	0	1	1	2		2	0
1999		1	1	0	1	1	2	1	2	0
2000	1	0	1	0	1	1	2	1	2	0

Table 22
Ministry of Health, 1979 to 2000

Year	Chef de Cabinet		Director-General		Directors of central departments		Chiefs of section		Head clerks	
	M	W	M	W	M	W	M	W	M	W
1997-2000	2	1	2	2	4	0	7	4	14	16

Table 23
Ministry of Town Planning and Habitat

Year	Chef de Cabinet		Director-General		Directors of central departments		Chiefs of section		Head clerks	
	M	W	M	W	M	W	M	W	M	W
2000	1	0	1	0	2	0	6	2	5	7

Table 24
Ministry of Labour and Social Security, year 2000

A. Cabinet

Gender	Director-General		Directors of central departments		Chiefs of section		Head clerks	
	M	W	M	W	M	W	M	W
	1			2	3	1	6	

General Directorate of Labour and Social Security

Gender	Director-General		Directors of central departments		Chiefs of section		Head clerks	
	M	W	M	W	M	W	M	W
	1	0	4		13	1	19	13

General Directorate of the Civil Service Retirement Fund (CRF)

Gender	Director-General		Directors of central departments		Chiefs of section		Head clerks	
	M	W	M	W	M	W	M	W
	1	0	3	2				

Section III
Constraints

Notwithstanding the legal and political provisions favourable to women, constraints of various kinds – legal, economic, social and cultural – hamper the effective participation of women in the development process and the full implementation of the Convention.

Mention must be made, in particular, of the following:

- Persistent ignorance of laws and regulations, owing to which many people find themselves in irregular situations;
- Gaps, lacunae and inadequacies in legal texts;
- Discriminatory provisions in the laws governing inheritance, marriage and responsibility for children, and also in criminal law;
- Persistence of discriminatory traditional laws and principles despite their formal abolition;
- Inequalities in the distribution of decision-making posts;
- Relegation of women to subsistence-level economic activities which interfere with their participation in real economic development;
- The pauperization of women:
- The precarious state of health of mothers and babies;

- The low educational level of the majority of women;
- Female illiteracy;
- Orientation of girls towards professions that do not always correspond to the needs of the labour market;
- Absence of political parties directed by women;
- Insufficient number of women in decision-making positions in political parties;
- Lack of culture in electoral matters ("electoral culture") among women;
- Unfavourable positioning of women in elections: women are often nominated as second-choice candidates, and when they do head an electoral list it is often in a constituency where their chances of winning are limited;
- Intolerance and insufficient support, encouragement and solidarity among women;
- Insufficient motivation of women to hold decision-making positions;
- Women's fear of failure in a decision-making post (lack of self-confidence);
- Non-competitive attitudes on the part of women leaders;
- Lack of control by women in matters of sexuality and reproductive health.

Section IV
Prospects

The effective implementation of the Convention is a process that calls for the participation of all strata of our society in general and of decision-makers, development agencies and leaders of opinion in particular. It is certainly true that many opportunities for women exist in our country. But they do not always lead to the adoption of the desired measures. Only the full and equitable taking into consideration of the gender factor in all areas of decision-making can create a context conducive to the Convention's successful implementation in our country.

The following future action is suggested:

- Establishment of mobile legal advice services to help women in the understanding and correct interpretation of legal texts, modelled on the legal assistance and legal aid centres set up at women's centres by the Association of Congo Women Lawyers (AFJC);
- Encouraging women to participate in political and community activities (local and national elections);
- Incorporation of education for peace and instruction in human rights in school curricula;
- Developing a democratic culture among women (free choice of their own candidates);
- Offering women the possibility to stand for election at all levels;
- Increasing women's representation on the labour market and their access to all levels of decision-making;

- Informing and educating women in the matter of their rights with a view to helping them to abandon social prejudices and attitudes that often relegate them to the second rank of society;
- Organizing campaigns to combat illiteracy and outdated customs and usage;
- Promoting women's entry into the technical and professional categories of the civil service;
- Encouraging women and girls to take up technical and scientific studies that can orient them towards promising new sectors of activity;
- Increasing the number of child-care facilities with a view to furthering the participation of women in production and socio-cultural activities;
- Promoting dialogue and task-sharing between men and women in all spheres of public life;
- Promoting and encouraging the socialization of children;
- Offering the same opportunities to girls and boys in education, whether formal or informal;
- Setting up machinery to monitor and evaluate the implementation of the Convention at all levels;
- Providing leadership training for women;
- Introducing a quota system for election purposes;
- Ensuring women's equitable access to and full participation in the drafting of legal texts at national, regional and international levels;
- Making available a data bank for the use of women in decision-making posts;
- Introducing special measures of protection for elderly and handicapped women in line with their physical and psychological needs;
- Initiating action on behalf of handicapped women.

Chapter VIII
Participation of women in the diplomatic service and international organizations (article 8)

Article 8

"States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations."

Section I
The legislative situation

Since the Congo's attainment of independence in 1960, access to public service has been based on constitutional principles according to which all citizens have equal access to posts in the civil service, including posts in the diplomatic and consular services.

Before recruitment to the civil service was suspended in 1993 consequent upon structural adjustment measures, recruitment for public administration posts took place simply upon application to the General Civil Service Directorate by any Congolese citizen, without distinction as to sex, in possession of a professional, university or other diploma.

From the legal point of view, Congolese women enjoy the same rights as men as regards access to posts in the civil service in general and diplomatic and consular posts in particular.

Section II
Representation of women in diplomatic and consular posts

The question of the representation of Congolese women will be examined at both the national and the international levels.

I. The situation at national level

The diplomatic department of the Cabinet of the President of the Republic includes a counsellor (of the male sex) and four attachés, one of whom is a woman.

At the Ministry of Foreign Affairs, Cooperation and Francophone Affairs, the under-representation of women is evidenced by the distribution of posts.

Table 25
Representation of women in the central administration of the Ministry of Foreign Affairs

Chef de Cabinet		*Secretary-General*		*Chiefs of department*		*Directors*		*Chiefs of division*		*Chiefs of section*	
M	*W*	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*	*M*	*W*
01	00	01	00	04	00	17	03	45	07	101	53

Source: M.A.E.C.F., 2000.

Table 26
Representation of women in various grades of the diplomatic service

Posts	*Men*	*%*	*Women*	*%*	*Total*
Minister plenipotentiary	00	00	00	00	00
Foreign affairs counsellor	51	91.07	05	8.93	56
Foreign affairs secretary	215	87.04	32	12.96	247
Chief of foreign affairs division	18	85.71	03	14.29	21
Foreign affairs attaché	56	93.33	04	6.67	60
Chancery clerk	34	90.95	08	19.05	42
Assistant chancery clerk	5	55.55	04	44.5	09

Source: M.A.E.C.F., 2000.

A look at the distribution of grades among diplomatic mission personnel confirms the under-representation of women. No woman currently holds the post of ambassador or ministerial counsellor.

Table 27
Representation of women in diplomatic missions

Posts	*Men*	*%*	*Women*	*%*	*Total*
Ambassador	17	100	00	00	17
Ministerial counsellor	16	100	00	00	16
1st counsellor	36	87.80	05	12.2	41
2nd counsellor	11	100	0	00	11
3rd counsellor	01	100	0	00	01
1st secretary	49	87.5	07	12.5	56
2nd secretary	16	94.1	01	5.9	17
3rd secretary	03	100	00	00	03
Embassy attachés	18	75	06	25	24

Source: M.A.E.C.F., 2000.

It should be noted that between 1980 and 1986, three women held the post of Ambassador (to Guinea-Conakry, Cameroon and Mozambique).

II. At international level

As can be seen in the table below, Congolese women are also under-represented in sub-regional, regional and international organizations.

Table 28
Representation of women in international institutions

Organization	*Men*	*Women*	*Total*
ILO	01	00	01
UNESCO	01	02	03
WMO	01	00	01
WCO	01	00	01
CEMAC	03	01	04
MM	01	00	01
UPU	01	00	01
OSPAAL	01	00	01
ACTC	02	00	02
BEAC	01	00	01
UNIDO	01	00	01
WIPO	01	00	01
RESEFAC	00	01	01
AGG	01	00	01
OACB	01	00	01
PAWO	00	02	02
WIDF	00	02	02
World Peace Council	00	02	02
Total	**16**	**10**	**27**

Section III
Constraints

The following constraints stand in the way of women's representation in the diplomatic service and in international organizations:

- Lack of enthusiasm or interest on the part of men for issues relating to the advancement of women;
- Lack of commitment on the part of the majority of Congolese women to the cause of their own advancement;
- Absence of lobbying in support of women's claims to the right to advancement;
- Under-representation of women in decision-making circles;
- The weight of customs that give men superiority over women, or, where custom has been replaced by the Family Code, poor observance of the law on the part of men;
- Insufficient specialization of women in this field;
- Marginalization of women by their peers;

- Lack of information on training and retraining courses, seminars and other meetings at the national and international levels.

Section IV
Prospects

Prospects for future action include the following:

- Orientation of girls towards fields of study in which they are currently under-represented;
- Measures to bring down the female dropout rate at school and university;
- Creation of women's lobbies;
- Continuing training of women with a view to strengthening their capacity for participation;
- Wide dissemination of information concerning vacancies in sub-regional, regional and international organizations;
- Financing of women's participation in international conferences and summit meetings;
- Creation and updating of female human resources files;
- Implementation of a forceful policy of advancement of women in these areas.

Chapter IX
Nationality (article 9)

Article 9

"1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children."

Section I
The context

In the Republic of the Congo, nationality is governed by Act No. 35-61 of 20 June 1961 setting forth the Congolese Nationality Code, as well as by constitutional rules. The Constitution of 12 March 1992 provides in its article 31 that "every citizen shall have the right to Congolese nationality and may not be arbitrarily deprived thereof or of the right to change his nationality".

According to article 54 of the Basic Act of 24 October 1997, nationality falls within the purview of the law.

Article 1 of Act No. 35-61 of 20 June 1961 defines nationality as the legal link that attaches individuals to the State. It is independent from civil rights and civil status, which are defined by special laws enacted for that purpose.

Article 2 provides that the present Act determines those individuals that shall have Congolese nationality at birth.

The concept "individual" being understood to cover both sexes, the Act does not appear to contain any discrimination as to gender.

After the individual's birth, Congolese nationality may be acquired or forfeited in application of the Act or pursuant to a decision of the public authorities. The Act acknowledges the supremacy of international treaties by providing as follows in its article 5: "Provisions relating to nationality contained in duly ratified and published international treaties or agreements shall apply even if they are contrary to the provisions of Congolese domestic law".

The Act distinguishes between the attribution of nationality at birth ("nationality of origin") and the acquisition of nationality.

Section II
Attribution of nationality

Congolese nationality is attributed, without discrimination as to sex, to a child born in the Congo

- Of a Congolese father and a Congolese mother;
- Of a father born in the Congo and a Congolese mother;
- Of a father and a mother who themselves were born in the Congo.

I. Acquisition of Congolese nationality

Congolese nationality is acquired by virtue of one of the following:

- Marriage;
- Residence;
- Decision of the public authorities.

A. Acquisition by marriage

Acquisition of Congolese nationality by marriage concerns foreign women who marry a Congolese national. Such women acquire Congolese nationality after five years' joint residence in the Congo counting from the date of registration of the marriage. Until the expiry of that period, the wife may decline the status of a Congolese citizen under the conditions provided in articles 57 ff. of the Act.

The Act does not specify the status of a Congolese woman who marries a foreigner. In practice, it is established that such women retain their nationality of origin.

B. Acquisition through birth and residence in the Congo

"Every individual born in the Congo of foreign parents shall acquire Congolese nationality on reaching majority age provided that he is resident in the Congo at that date and has been habitually resident in the Congo since the age of 16 years" (article 20).

C. Acquisition of Congolese nationality by a decision of the public authorities

This is a matter of naturalization or recovery of previous nationality. Nationalization is granted by a decree following an investigation. No discrimination based on sex appears to exist in this context.

II. Transmission of nationality to children

A reading of Act No. 35-61 of 20 June 1961 setting forth the Congolese Nationality Code shows that men and women can transmit Congolese nationality to their children under the same conditions. Article 44 of the Act provides that "a minor whose father or mother acquires Congolese nationality shall become a full Congolese citizen like the parents, provided that filiation has been established in accordance with article 12".

Chapter X
Education (article 10)

Article 10

"States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly

those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning."

The rights of women are recognized and guaranteed by all international human rights instruments, in particular the Universal Declaration of Human Rights and the International Covenants on Civil, Political, Economic, Social and Cultural Rights, ratified by the Congo. They are recognized as being universal, inalienable and indivisible.

These rights include one that is fundamental: it is the right to education. The woman, as a human being, has the right of access to basic education - high-quality education that will make her a fully developed personality integrated at the social, economic and political levels. Such education involves the school, the family and society at large.

Such education must be based on the equality of the sexes and must eliminate any disparities that exist in national policies and primary, secondary and higher education and adult literacy programmes.

The Constitution of 1969, the Basic Act of the National Conference (No. 003/91/CNP/P/S) of 4 June 1991, the Constitution of 15 March 1992, the Basic Act of 24 October 1997, the Labour Code and the Family Code are legal instruments which enshrine the equality of men and women in the Congo.

In its article 18, the Basic Act of June 1991 acknowledges the right of women to culture and education. In order to put into practice the recommendations relating to that issue, the Congo has enacted a number of laws with a view to providing access to education for all children. They include, in particular, the following:

- Act No. 44/61, of 28 September 1961, laying down the general principles of the organization of education;
- Act No. 32/65, adopted in 1965, laying down the general lines of the organization of education;
- Act No. 20/80, adopted in 1980, reorganizing the educational system in the People's Republic of the Congo;
- Act No. 08/90 of 26 November 1990 amending Act No. 20/80 and calling into question the non-paying character of State education;
- Act. No. 25/95 of 19 November 1995, amending Act No. 08/90 and reorganizing the system of education in the Republic of the Congo.

The latest Constitution, just adopted by referendum on 20 January 2002, guarantees equal access to education and to the teaching profession. Education is compulsory until the age of 16 and is dispensed free of charge in public establishments.

Section I
Conditions with regard to vocational guidance, access to studies and achievement of diplomas in educational establishments of all categories

I. The status of education in the Congo

Education has been compulsory and non-discriminatory since Congo's accession to independence. It is open to all, boys and girls alike. Until independence Congo's schools were largely modelled on the French system, with the difference, however, of an additional year at primary level. The general length of schooling was spread over 13 years, including 6 years in primary and 7 years in secondary.

In 1965, education – until then dispensed in both State and private schools – was nationalized. From then on, the State took charge of the education of the young. The Congolese educational system was governed by many laws, all of them guaranteeing access to education for all children. Many meetings and symposia were held to discuss the numerous problems that had arisen within the educational system since its nationalization. In 1970, a symposium on education laid down the main principles of the "People's School" project. In 1988, a stocktaking symposium noted the near-collapse of the educational system and proposed a number of measures with a view to correcting the situation.

The findings that emerged from these two symposia included the following:

- The consequences of the nationalization of 1965 had included the large-scale exodus of missionary teachers. As a result, teachers without proper qualifications had had to be recruited. This had created a crisis in the educational system;
- The Government, drawing the consequences of that crisis, would endeavour to carry out a reform by creating the "People's School". This would mean the democratization of Congolese schools. Schooling would become free.

The "People's School" policy proved, however, to be ill-conceived. A reliable legal framework was lacking. The policy led to a very high dropout rate (16.3%), the highest repeat rate in Africa (30%), and a decline in the quality of teaching. The lack of adjustment between the education dispensed and the needs of the labour market led to a rise in unemployment. It was essential that the policy be abandoned as having failed. Another decision taken by the symposium of 1988 was to limit the number of times a year could be repeated. The non-denominational (official) schools system being over-subscribed to the point of collapse, private education was encouraged. Today, the results appear mixed. Despite the Government's adoption of terms of reference for the reform of the educational system in October 1996, the latest Schools Act (1995) still has no implementing clauses.

There are, however, some positive aspects to be noted. Thus, the Schools Act No. 25/95 of November 1995 amending Act No 08/90 of September 1990 proclaimed that schooling was to be free of charge. It extended the duration of compulsory schooling for girls as well as boys to 10 years instead of 8. Schools Act No. 20/80 made literacy compulsory. This policy met with great success and won five UNESCO prizes for the Congo. The "Alpha" radio station, specially devised for the purpose, backed the educational and literacy effort, and a programme called "It's

never too late to learn" broadcast over the national radio was assiduously followed by a large part of the population and encouraged many women to seek training.

A school enrolment rate of almost 100% was recorded in 1995, as was the high literacy rate of 83.1% for men and 67.2% for women.

Following the round table organized after the Jomtiem World Conference on Education for All, the Congo, permanently concerned as it is with the good management of its educational system, has since 1990 placed special emphasis on pre-school education by making it general and improving its quality.

The educational system is structured in the following manner:

- Pre-school education;
- Primary education;
- Secondary education (junior and senior);
- Higher education;
- Technical and vocational education.

A. Pre-school education

This first stage of education and training of young children is generally confined to the urban centres. Not all children have access to pre-school education, an entrance fee being payable. Children whose parents possess the necessary means therefore have priority. The pre-school system accepts children of 3 to 6 years of age. It provides them with moral and physical equipment in preparation for entrance to primary school. The enrolment rate at pre-school level is not very high, but the predominance of girls over boys is worth noting. The teaching staff is essentially female.

From 1990 to 1998 the number of pre-school educational establishments in the State schools system fell from 53 to 51, while enrolment declined from 5 870 to 1 266 (a growth rate of –17.5%). The number of staff declined by 197 teachers over the decade. The drop in enrolment figures may be explained by the opening of private establishments in Brazzaville and Pointe-Noire. These private schools do not publish any statistics, so that the number of pre-school children attending them cannot be evaluated. The population figure for the 3 to 5 age group rose considerably during the decade (from 106 107 in 1990 to 160 672 in 1998). The average growth rate for both sexes is 5.4%, marginally higher for girls than for boys (5.3% as against 4.7%).

Table 29
Numbers of pupils and teachers (1997 and 1998)

Year	Pupils					Teachers				
	Boys	%	Girls	%	Total	Men	%	Women	%	Total
1997	1 796	48.48	1 908	51.52	3 704	1	0.21	474	99.79	475
1998	612	48.34	654	51.66	1 266	0	0	392	100	392

Source: Directorate of Project Studies and Planning, Ministry of Primary and Secondary Education, 1998.

The gross enrolment rate, already very low at the outset, also fell from 2.8% in 1990 to 0.4% in 1998. The admission rate not only failed to exceed the initial level of 2.8% but actually fell disastrously, despite appreciable results achieved at family level through a campaign designed to mobilize communities to take charge of the health and upbringing of their infants.

Table 30
Gross pre-school enrolment rate, 1990-1998

Year	Sex	Total number of pupils	Population in the 3-5 age group	Gross enrolment rate	Gender parity index
1990	Total	5 870	211 165	2.8	
	Boys	2 952	105 058	2.8	1.0
	Girls	2 918	106 107	2.8	
1991	T	5 810	221 015	2.6	
	B	2 913	110 713	2.6	1.0
	G	2 817	110 302	2.6	
1992	T	6 213	232 079	2.7	
	B	3 020	118 956	2.5	1.1
	G	3 193	113 123	2.8	
1993	T	4 673	246 027	1.9	
	B	2 234	124 817	1.8	1.1
	G	2 439	121 210	2.0	
1994	T	3 641	262 297	1.4	
	B	1 784	133 553	1.3	1.1
	G	1 857	128 744	1.4	
1995	T	2 686	282 915	0.9	
	B	1 316	143 954	1.0	1.1
	G	1 370	138 961	0.8	
1996	T	2 229	294 280	0.7	
	B	1 082	148 319	0.8	1.1
	G	1 137	145 961	1.2	
1997	T	3 704	304 281	1.2	
	B	1 796	151 083	0.4	1.0
	G	1 908	153 188	0.4	
1998	T	1 266	321 790	0.4	
	B	612	152 118	0.4	1.0
	G	654	160 672	0.4	

Source: Directorate of Project Studies and Planning, Ministry of Primary and Secondary Education, 1998.

Instruction at the pre-school level is based on play and artwork designed to enable children to enter primary school with a certain amount of basic knowledge. Owing to Government decisions concerning promotions and reclassifications in the civil service, pre-school teachers do not enjoy the same advantages as other teachers. Most existing nurseries and infant schools are established and operated by the private sector or by companies indirectly controlled by the State.

B. Primary education

Primary education is regarded as the foundation of the schooling process. Efforts have been made and successes achieved in expanding and generalizing primary education, special emphasis being placed on reducing disparities between boys and girls.

At primary school level the registration rate for girls is almost the same as for boys. The disparity becomes striking later on.

Table 31
Numbers of schoolrooms and of teachers in pre-school and primary education

	Pre-school			*Primary*			
Year	*Schoolrooms*	*Teachers*	*Students*	*Establishments*	*Teachers*	*Schoolrooms*	*Students*
1990	185	589	5 870	1 632	7 639	6 349	492 143
1991	186	645	5 810	1 655	7 578	6 495	503 918
1992	217	655	6 213	1 609	7 704	7 024	490 122
1993	202	599	4 673	1 596	7 344	6 194	510 223
1994	196	505	3 641	1 575	6 614	6 262	498 961
1995	170	489	2 686	1 556	6 309	6 237	511 401
1996	208	552	2 229	1 585	6 836	6 425	512 935
1997	186	474	3 704	1 667	6 688	5 596	499 485
1998	153	392	1 266	1 648	6 688	5 862	427 735

The gross primary school enrolment rate for both sexes has exceeded 100%. The number of children enrolled was greater than the 6-11 age group of the population. The enrolment rate fell from 126.1% in 1990 to 78.6% in 1998. The repeat rate is rather high, especially among girls, where the average is 34.6% per school year. The percentage of new entrants was 68.4% in 1990 and 58.0% in 1995. The proportion of new entrants in the first year of primary school is rising slightly (1.4% boys, 0.6% girls).

Table 32
Number of students and teachers in primary education, 1997-1998

Year	Students			Teachers		
	B	*G*	*T*	*M*	*W*	*T*
1997	246 089	230 446	476 535	4 164	2 545	6 709
1998	218 094	202 133	420 227	4 074	2 487	6 561

Source: Directorate of Project Studies and Planning, Ministry of Primary, Secondary and Higher Education responsible for Scientific Research, 1998.

Table 33
Gross enrolment rate in primary education, 1990-1998

Year		School population, all ages	School-age population, countrywide	Gross school enrolment rate	Parity index
	T	492 143	390 229	126.1	
1990	B	255 758	194 420	131.5	0.9
	G	236 385	195 809	120.7	
	T	503 918	404 090	124.7	
1991	B	269 439	201 746	133.6	0.9
	G	234 479	202 344	115.9	
	T	490 122	419 772	116.8	
1992	B	254 345	210 017	121.1	0.9
	G	235 774	209 755	112.4	
	T	510 223	437 516	116.6	
1993	B	265 401	219 372	121.0	0.9
	G	244 822	211 814	112.2	
	T	498 961	457 560	109.0	
1994	B	259 282	229 872	112.8	0.9
	G	239 679	227 688	105.3	
	T	511 401	480 848	106.4	
1995	B	277 514	242 043	114.7	0.9
	G	233 887	238 805	97.9	
	T	512 935	500 898	102.4	
1996	B	271 855	252 395	107.7	0.9
	G	241 080	248 503	97.0	
	T	499 485	522 276	95.6	
1997	B	264 727	263 449	100.5	0.9
	G	234 758	258 827	90.7	
	T	427 735	545 106	78.5	
1998	B	226 700	275 152	82.4	0.9
	G	201 035	269 854	74.5	

Source: Directorate of Project Studies and Planning, Ministry of Primary and Secondary Education.

From 1990 to 1998 a decline by -1.7% was recorded (for both sexes together). The decline was more marked in the case of girls (-2% as against -1.5% for boys).

During this period the primary school enrolment rate was marked by a reduction in the school population by an average of 16%, the number of primary school teachers diminishing by 1.4%.

The decline, which corresponded to -14% in terms of student numbers, was less pronounced in the case of teachers.

The growth rate for both sexes was 4.3% (4.4% boys, 4.1% girls).

Table 34
Gross rate of admission to the first year of primary school, from 1991 to 1995

Year	*Sex*	*New entrants in 1st year*	*Population of legal admission age*	*Gross admission rate*	*Gender parity index*
	B	33 751	47 088	71.7	
1991	G	30 191	47 015	64.2	0.9
	T	63 942	94 103	67.9	
	B	36 633	40 237	74.4	
1992	G	34 444	48 917	70.4	0.9
	T	71 077	98 154	72.4	
	B	35 902	51 689	69.5	
1993	G	33 237	51 114	65.0	0.9
	T	69 139	102 803	67.3	
	B	34 202	54 551	62.7	
1994	G	31 840	53 674	59.3	0.9
	T	66 042	108 225	61.0	
	B	35 991	57 951	62.1	
1995	G	30 540	56 770	53.8	0.9
	T	66 531	114 721	58.0	

Source: Directorate of Project Studies and Planning, Ministry of Primary and Secondary Education, 1998.

Table 35
Repeat rate in primary schools

Level	*Primary*					
Year	1st	2nd	3rd	4th	5th	6th
Repeats, per cent	36%	23%	42%	36%	33%	38%

Source: Directorate of Project Studies and Planning, Ministry of Primary and Secondary Education, 1998.

The repeat, dropout and examination failure rates are high. The dropout rate in the State schools system is partially due to transfers to private schools. The teaching profession at primary level is gradually becoming feminized. In city schools, many class teachers are women.

From 1980 to 1990 the proportion of women class teachers rose from 24% to 32.8%. From 1980 to 1985, the percentage of women teachers rose from 24.6% to 29.3% (an increases by 19.1%), while that of male teachers declined by 4.1% (from 75% to 71.7%). From 1985 to 1990 the proportion of women teachers rose further from 29.3

to 32.8% (an increase by 11.9%), while that of men teachers declined by 6.2% (from 87.9 to 81.5%).

C. Secondary and technical education

The enrolment rate for children in the 12 to 19 age group (junior level) is 84%, of which 26% girls.

The presence of girls is more marked in general secondary schools than in grammar schools. At the former the enrolment rate is 71% for boys and 58.4% for girls, as against 29% and 12% respectively at grammar schools.

Statistics show a low level of female participation in secondary education. This is due to mental barriers (family influence, the weight of tradition, custom, creed, division of labour, sexual and emotional problems, poverty, violence of all kinds). The dropout rate for girls is very high. Of 1,000 students admitted to general secondary school, 365 reach the final year and 202 pass the final examinations. The percentage of girls is always below that of boys. The statistics issued for technical and vocational schools are not broken down by gender. Because of the recent conflicts, some schools, although open, do not furnish any statistics at all. It should also be noted that certain establishments, in particular some of the craft centres, remain closed. Enrolment rates differ as between technical and general education schools, the former suffering from all kinds of difficulties such as shortage of staff, equipment and premises.

Table 36
Numbers of students and teachers at general secondary schools and grammar schools

		Students			*Teachers*		
	Year	*B*	*G*	*T*	*M*	*W*	*T*
General secondary school (CEG)	1997	79 682	65 676	145 358	3 348	444	3 792
	1998	61 989	51 299	113 288	2 918	386	3 304
Grammar school (general education)	1997	23 675	11 740	35 415	1 758	202	1 960
	1998	23 105	12 402	35 507	1 729	215	1 944
Total	1997	133 357	77 416	210 773	5 106	646	5 752
	1998	85 094	63 701	148 795	4 647	601	5 248

Source: Directorate of Planning, Ministry of Primary and Secondary Education, 1998.

Table 37
Student population and number of teachers at technical secondary schools, technical grammar schools and vocational schools

Year	*1997*						*1998*					
	Students			*Teachers*			*Students*			*Teachers*		
Sex	*M*	*W*	*T*	*M*	*W*	*T*	*M*	*W*	*T*	*M*	*W*	*T*
Crafts centre	1 270	897	2 167	-	-	218	718	614	1 332	-	-	208
Technical secondary school	4 800	3 551	8 351	-	-	770	4 577	4 355	8 932	-	-	552
Technical grammar school			10 060	383	59	442	7 727	3 949	11 676	391	60	451
Vocational school	344	683	1 027	177	41	218	335	1 145	1 480	171	37	208

Source: Directorate of Planning, Ministry of Technical Education, 1998.

Table 38
Repeat rates in junior secondary schools

Level	*Junior secondary*			
Year	1st	2nd	3rd	4th
Percentage	39%	35%	34%	30%

Source: Directorate of Planning and Project Studies, Ministry of Primary, Secondary and Higher Education responsible for Scientific Research, 1998.

At this stage of the schooling process the dropout rate rises, girls leaving school for the reasons described above and boys going in search of jobs.

Graduates of the technical and vocational education system – which is more theoretical than practical, without, however, being very advanced – can find work more easily than those of general secondary schools. That is why student numbers at the Agricultural Crafts Centre (CMA) and the Agricultural Technical College (CETA) have been on the increase since 1998. Nevertheless, some students still prefer to attend general education establishments.

Contrary to primary education, the proportion of women teachers at general secondary schools (CEG) is low. In 1997, there were 444 women teachers at secondary level as against 2 245 in primary. In 1998 those figures had fallen to 386 and 2 487, respectively. In grammar schools, on the other hand, the number of women teachers rose from 202 in 1997 to 215 in 1998. In 1997 the total number of teachers in technical and vocational education was 442 (including 59 women at the Brazzaville technical grammar school) plus 218, including 41 women, at vocational schools. Training and crafts centres (agricultural, industrial, forestry, domestic science) do not enjoy the same advantages as other schools. There are many

problems in connection with training and supervision. Women are under-represented.

Table 39
Some ratios in technical and vocational education

Ratio	*Crafts centres*	*Technical secondary schools*	*Technical grammar schools*	*Vocational schools*
Students/classrooms	38	64	62	15
Students/desks	2	3	3	1
Students/drawing tables	-	23	34	-
Students/stools	11	18	43	514
Students/workbenches	14	24	253	-

Source: Service for UNESCO surveys, Ministry of Technical and Vocational Education, 1998.

Table 40
Ratios in technical and vocational educational establishments, 1997-1998

Ratio	*Crafts centres*	*Technical secondary schools*	*Technical grammar schools*	*Vocational schools*
Students/classrooms	23	71	74	27
Students/desks	1	4	5	3
Students/drawing tables	-	50	46	-
Students/stools	83	49	53	740
Students/workbenches	14	105	449	-

Table 41
Results of vocational school final examinations

Year	*Students registered*	*Students taking the examinations*	*Passes*
1984	1 799	1 787	1 541
1985	2 446	2 435	2 363
1986	2 229	2 137	2 122
1987	2 115	2 101	1 919
1988	1 634	1 627	1 486
1989	1 338	1 321	1 243
1990	957	956	927
1991	866	865	824
1992	767	766	707
1993	531	530	474
1994	1 586	1 582	1 569
1995	1 568	1 565	1 496

Source: Directorate of Examinations and Competitions, Ministry of Technical and Vocational Education, 1998

D. Higher education

The enrolment rate at university level is distressingly low. Until 1995, women accounted for only 18.6% of all students at Marien Ngouabi University.

The female dropout rate rises as education proceeds: only 60 out of 1,000 girls entering the first year of primary school reach the university. Hence the predominance of male students, especially in the so-called "men's subjects". Thus, women account for only

- 11% of the student body in natural sciences;
- 18% in economics;
- 5 to 7% in exact sciences;
- 12% in agricultural sciences; and
- 21% in medicine.

This situation is already perceptible in technical and vocational secondary establishments, both junior and senior (19.2% and 12%, respectively).

Table 42
Gender percentages in higher education

Year	*Men*	*Women*
1980	85.7	14.28
1985	84.16	15.84
1990	84	16
1992	81.39	18.61

Source: Universities planning service.

Note: Owing to the numerous wars and other conflicts that have taken place, accurate figures for the period from 1993 to 1998 are not available.

Scholastic failure is due, in particular, to psychological barriers and dropping out at an early stage.

E. Development of school enrolment in general

With a school enrolment rate of 98.8% in the 6 to 11 age group, Congo achieved the highest enrolment rate in the world. Out of a total population estimated at 2,800,000, close on 800,000 persons are enrolled in schools.

The proportion of university students (0.75% of the population) puts the Congo on a level similar to that of developed countries such as France (1.9%), Japan (2.13%) and Sweden (2.4%).

School enrolment as a whole is as follows:

- Pre-school: 2.8%, of which 50% girls;
- Primary education: 100%
- Secondary education: 21%, of which 26% girls;

– Higher education: 30%

– Examinations success rate:

CEPE: 44% in 1989;

BEPC: 28.29% in 1990

– 6% of girls admitted to primary school reach the university.

Table 43
Girls' school enrolment rate in 1990

Level	*Pre-school*	*Primary*	*Secondary I (junior)*	*Secondary II (senior)*	*Higher*
Enrolment rate	2.8%	101.4%	71.6%	20.7%	5.9%
Girls, %	50%	47.5%	44.4%	25.9%	18%

Source: *State of the world's children – State of the world's women* (UNICEF reports).

II. Government spending on education

Although the results seem to fall short of what might be hoped for, the Government does allocate a substantial budget to education. There is thus a certain imbalance between the means expended and the results achieved.

Ordinary expenditure on education represents, on average, 6.1% of the GNP. Since 1993 this percentage has, however, been on the decline. The Government has been putting special emphasis on primary education, devoting 51.5% of the ordinary education budget to that sector from 1990 to 1998.

Generally speaking, the State has been making a financial effort since 1990. But there has been a great deal of instability. Between 1990 and 1992, State spending on education rose from 36 068 million to 64 138 million FCFA, an increase by 33.4%.

Table 44
Proportion of the ordinary State budget allocated to education (million FCFA)

Year	*State budget*	*Total spending on education*		*Spending on primary education*	
		Value	*Percentage*	*Value*	*Percentage*
1990	141 000	36 068	25.6	19 029	13.5
1991	209 427	60 679	29.0	32 619	15.6
1992	252 240	64 138	25.4	32 665	13.0
1993	205 386	58 392	28.4	28 330	13.8
1994	210 000	58 253	27.7	29 038	13.8
1995	177 454	52 066	28.7	26 213	14.8
1996	182 000	39 984	22.0	23 965	13.2
1997	204 000	48 425	23.7	23 596	11.5
1998	222 400	52 152	23.0	24 982	11.2
1999	200 506	52 129	26.3	26 716	13.7

Source: Balance sheet of the Congo's educational system, 1998.

Table 45
Funding of the teaching component of the education system

Year	*1995*	*1996*	*1997*	*1998*
Staff	35 277.88	32 071.00	31 235.89	34 564.78
Equipment	1 286.61	1 287.00	2 030.00	3 346.00
Transfers	14 429.00	14 060.00	14 836.00	15 154.75
Investment	1 218.00	2 475.00	5 137.00	2 907.00
Education budget/State budget	10.7%		10.6%	9.8%

Source: Balance sheet of the Congo's educational system, 1998.

Note: The education budget as a whole accounts for 10% of the State budget. But the largest item of expenditure is the payment of staff salaries. Investment, on the other hand, accounts for only a small part of the total.

Section II
Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality

No discriminatory measures as regards school curricula exist in the Congo. But there is a private and a public sector in education.

Prior to the nationalization of education in 1965, education was either secular or private, the latter being dispensed by religious denominations which favoured separate schooling for girls and boys. While these private schools followed the official (State) curriculum, they also dispensed religious education (catechism classes, bible classes, preparation for the sacraments of the Church). Girls were prepared for their future tasks as housewives; they received instruction in domestic science subjects (dressmaking, knitting, darning, cooking, child care, housekeeping, work in the fields) and also in classical and religious music. With boys, on the other hand, besides religious instruction and the ordinary State curriculum, special emphasis was placed on so-called "men's subjects". Special prizes were awarded at the end of the school year. However, examinations were the same for all.

Because of such gender-oriented specialization, special equipment was required for both boys' and girls' schools. Cookery and ironing classes, for example, necessitated special kinds of equipment.

With the nationalization of education, so-called "specific" and religious instruction was abolished. Instruction of this nature is now available in the private sector. However, the State continues to offer some specialized education to girls, e.g. at the Saint Jean-Bosco Women's Technical College located at Poto-Poto.

The nationalization of education had very mixed results. With the coming of democracy, and following the National Sovereign Conference (which caused Act No. 008/90 to be amended) and the Jomtiem Conference of 1990, recourse to private education was considered justified.

Today it is proving difficult to oversee the curricula taught in private establishments. But it must be noted that the instruction dispensed in these establishments does help to awaken the student's minds. We are referring to the teaching of such subjects as music, data processing and modern languages. Religion and morals are being taught once more in the confessional schools. But there are certain difficulties in connection with denominational education. The agreement between the Government and the religious denominations whereby all buildings belonging to the latter were to be returned to them has not yet been signed, although Act No. 049/91/CNT/P/S of 21 June 1991 of the National Sovereign Conference authorizes such restitution. Some school buildings were returned in 1995 following a decision of the Council of Ministers, and 10 establishments were returned to the Roman Catholic Church under Service Memorandum No. 303 signed in July 1999 in time for the start of the 1999-2000 school year.

Section III
Elimination of any stereotyped concept of the role of men and women

The elimination of any stereotyped concept of the role of men and women implies a challenge to traditional education.

1. Stereotyped upbringing in the family

Sending girls to school was long regarded as a poor investment. Teaching girls to perform household tasks, preparing them for their future role as housewives and mothers, was though preferable. Girls were married off very young against a sizable dowry. Boys, on the other hand, were sent to school earlier or for a longer time. They were regarded as the future mainstays of the family who would always remain part of the family and provide it with the material comforts it required.

Girls traditionally received a special upbringing. Depending on region and custom, they were initiated into adult life in special ways. In the region of Kouilu, for example, initiation (following abduction) took place in a special hut known as the "Tshikumbi", where special women taught the girl not only how to keep house and behave in public but also how to please her husband in sexual matters. These secret rites were known only to the initiated.

In the region of the Pool and in certain tribes, the girl's initiation was the responsibility of an aunt. The latter was also required to "ease the way" for the husband by making the girl's hymen supple in preparation for the wedding night. The girl was often promised to her future spouse while still at her mother's breast and was brought up for the sole purpose of becoming his wife.

The Omenga tradition and the practice of female circumcision in the region of the Basin are reminiscent of certain sacred rules that used to enable girls to enter adult society. Failure to respect these rules may bring down a curse.

In addition to such traditional upbringing, girls were prepared for their future life as wives and mothers by nuns, both in the towns and in the context of religious establishments (Catholic or protestant) in the countryside, where they lived in boarding schools and received an upbringing on the European model. Thus prepared, the girl was ready for marriage. Marriage was her only possible future. She was also

a good source of income, since the dowry took into account not only the full cost of her upbringing but also the fact that she would thenceforth belong to her husband's family and would be of no further financial use to the family of origin.

Within the family, the girl was provided with "suitable" toys (dolls, dolls' tea sets and so on) to play with and care was taken to prevent her taking any interest in so-called "boys' games". Later on, she was sent to school for a short period (generally the first two years of primary school). After which came early marriage and the abandonment of schooling in face of heavy domestic duties.

The boy, the mainstay of the family, was exempted from all household tasks and encouraged in his studies, his games and his life as the future head of a family. His basic upbringing was different from the girl's. He was sent to a craft school at an early age. In Western-style education, whether public or private (and especially religious), he was taught separately at a boys-only school.

II. Under-representation of women

All Congolese children receive the same education. Congo subscribes to the UNESCO recommendation that education should be made more democratic so as to give all children equal opportunities of access to education.

The World Conference on Education for All, held at Jomtiem (Thailand) in 1990, decided that ensuring girls' access to education and improving the quality of the education given them was an absolute priority. After Jomtiem, the Congo embarked upon an irreversible process of teaching literacy to all children. In primary education, an effort was made to place special emphasis on reducing disparities between girls and boys. This brought about an improvement in the school enrolment rate, which rose to over 70%.

As a signatory of many conventions and a participant in the major international conferences on women, the Congo is making an effort to eliminate stereotyped concepts of the roles of men and women. Thus, it is responding to the recommendations of the following conferences:

- The Third World Conference on Women (Nairobi, Kenya, 1985), which in its forward-looking strategies for the advancement of women called for increases in the number of girls in scientific and technical education;
- The Fourth World Conference on Women (Beijing, China, 1995), which reaffirmed the paramount importance of improving women's access to scientific, technical and vocational education and to continuing education as a means of ensuring the conditions necessary for sustainable development in the service of the individual;
- The African regional forum on women, science and technology (Ouagadougou, Burkina Faso, January 1999), which decided that it was time to ensure equal rights, responsibilities and opportunities for men and women in all fields, especially those of science and technology.

Thus, certain fields of education would no longer be the private preserve of men and technical schools would no longer be regarded as dumping grounds for students who had done badly in general education.

A. Representation of women at Marien Ngouabi University

Notwithstanding all international recommendations, progress remains slow. In 1999 the university had a total of 14,279 students, 25% of whom were girls. The permanent teaching staff consists of 550 teachers including 42 women (7.6% of the total), whose grades were as follows: 4 lecturers in technical and vocational subjects, 22 assistant lecturers, 16 assistant junior lecturers.

The results reproduced below, which are not very satisfactory, are drawn from the University's statistics for 1998.

Table 46
Representation of women students in the Department of Economic Sciences (F/SCES)

Year	*Total*	*Men*	*Women*	*% W*	*% M*
First year	2 214	1 606	608	27.54	72.54
Second year	694	592	102	14.69	72.53
B.A.	576	479	97	16.84	85.30
M.A.	1 000	819	181	18.1	53.15
Total	**4 484**	**3 496**	**988**	**22.03**	**77.97**

Source: University planning service. Statistical data, 13 December 2000.

The table confirms the absence of a steady commitment to scientific studies among girls.

Basic upbringing, especially that received in the family, plays a role of overwhelming importance in the future life of young women. Division of labour at an early age exercises a deeply harmful effect on the child's mind and explains many attitudes in adult life.

The tables that follow show that the number of women students is higher in the arts, possibly because these are regarded as easier. The statistics for the university year 1998-1999 speak for themselves.

Table 47
Representation of women students in the Department of Arts and Human Sciences (FLSH)

Year	*Total*	*Men*	*Women*	*% W*	*% M*
First year	2 181	1 461	720	33.01	66.98
Second year	1 404	1 000	404	28.77	71.22
B.A.	1 730	1 234	496	28.67	71.32
M.A.	509	385	124	24.36	75.63
Total	**5 824**	**4 080**	**1 744**	**29.95**	**70.07**

Modern languages – History – Geography – Communication techniques and sciences

Source: University planning service.

In the Department of Law, students tend to believe that all they need to do is learn all the laws by heart and reproduce them in their written work. This is an illusion. Law students must learn to weigh up the evidence and to address an audience. They soon realize that they have a hard job on their hands. That is one of the main reasons for the high dropout rate in this part of the university.

Table 48
Representation of women students in the Department of Law (F/Droit)

Year	*Total*	*Men*	*Women*	*% W*	*% M*
First year	582	423	159	27.31	72.68
Second year	310	225	85	27.41	72.58
Third year	386	298	88	22.79	77.20
M.A.	266	216	50	18.79	81.20
Total	**1 544**	**1 162**	**382**	**24.74**	**75.26**

Source: University planning service.

In the Science Department, enthusiasm in the first year often gives way to growing disenchantment. The causes are perhaps to be found in a lack of information at the grammar-school level, but also, perhaps, in a lack of genuine aptitude for subjects requiring what girl students tend to regard as tedious calculations. Laboratory and practical work in the Science Department is not always pleasant and lecture-room conditions not very attractive.

Table 49
Representation of women students in the Science Department (FSE)

Year	*Total*	*Men*	*Women*	*% W*	*% M*
First year	373	329	44	11.79	88.20
Second year	185	176	9	4.86	95.13
B.Sc.	333	304	29	8.70	91.29
Total	**891**	**809**	**82**	**9.20**	**90.79**

Source: University planning service.

The situation is hardly better in the training colleges or institutes, such as the Higher Institute of Management, the Institute of Rural Development, the Polytechnical Teacher Training College, the National School of Administration and Magistracy, the Department of Health Sciences or the Higher Teacher Training College.

The gap is smaller in the case of the Higher Institute of Management. A surprising fact is the low – or even very low - representation of women students at the Higher Teacher Training College and in the Department of Health Sciences. The statistics show that women no longer assume the role of guarantors of education and health inside their own families and in society. The stereotyped view of medical studies

that is held all over the world (long, difficult and highly selective) undoubtedly plays a harmful role in the professional choices of Congolese girls.

Table 50
Representation of women students at the Higher Teacher Training College

Year	*Total*	*Men*	*Women*	*% W*	*% M*
First year	128	108	20	15.62	84.37
Second year	109	88	21	19.26	80.73
Third year	179	149	30	16.75	83.24
Fourth year	127	109	18	14.17	85.24
Fifth year (CAPES = teaching diploma)	116	104	12	10.34	89.65
Total	**659**	**558**	**101**	**15.32**	**84.68**

Source: University planning service.

Table 51
Representation of women students in the Department of Health Sciences

Year	*Total*	*Men*	*Women*	*% W*	*% M*
First year	66	53	13	19.69	80.30
Second year	63	59	4	6.34	93.65
Third year	54	46	8	14.81	85.18
Fourth year	20	14	6	30	70
Fifth year	27	22	5	18.51	81.48
Sixth year	32	25	7	21.87	78.12
Seventh year	50	41	9	18	82
Total	**312**	**260**	**52**	**16.67**	**83.33**

Source: University planning service.

Note: Studies in this Department are notoriously long. Moreover, admission is by competitive examination. This explains the limited number of students. Students become eligible for grants after the first year.

Very few students are attracted to the Higher Institute of Physical Education and Sports. The opinion of the training dispensed at this establishment is not high. What future does a physical education teacher have? What infrastructures are there in the schools? What is the use of attending this Institute, unless it be to gain a few extra points in the State examinations?

Table 52
Representation of women students at the Higher Institute of Physical Education and Sports

Year	*Total*	*Men*	*Women*	*% W*	*% M*
First year	70	62	8	11.42	88.57
Second year	87	73	62	16.09	83.90
Third year	43	37	73	13.95	86.04
Fourth year	33	32	32	3.03	96.96
Total	**233**	**204**	**175**	**12.44**	**87.56**

Source: University planning service.

B. Representation of women in the teaching profession

At university level, the rule of equality between the sexes does not apply within the teaching profession any more than it does in the student body. Again, there are more teachers in the arts than in science and technology. The student situation is reflected at teacher level.

At Marien Ngouabi University women hold posts as assistant lecturers or junior lecturers. There are as yet no women senior lecturers.

It is important to point out that this situation cannot be blamed exclusively on the State. Congolese women and men enjoy every right and it is up to each individual to derive the maximum of advantage from the legal context. The will of the individual must combine with that of the public authorities to ensure that the law – which is favourable to women – actually benefits them.

Table 53
The University teaching staff (as of 31 March 2000)

Establishment	*Men*	*Women*	*Established staff (civil service payroll)*	*Freelance staff*
FLSH	113	10	116	7
F/SCES	85	6	85	6
F/Droit	31	2	24	9
FSE	36	1	34	3
FSSA	45	6	46	5
ENS	70	8	68	10
ENAM	26	0	21	5
ENSP	27	4	22	9
IDR	31	3	31	3
ISEPS	29	0	28	1
ISG	17	4	18	3
Total	**510**	**44**	**493**	**61**

Source: General Secretariat, Directorate of Personnel and Administrative Affairs, Teaching Staff Service.

Note: The table speaks for itself. The National School of Administration and Magistracy (ENAM) and the Institute of Physical Education and Sports (ISEPS) are the university's "poor relations".

Section IV
Equality in the award of grants and other study subsidies

Generally speaking, all students of Congolese nationality at Marien Ngouabi University are eligible for State grants. In the last few years the conditions of eligibility have been modified. In order to be eligible, a student must:

- Be less than 22 years of age;
- Have successfully passed the examinations at the end of the first year (the grant is then awarded in the second year);
- Take the competitive entrance examination for one of the following training establishments: Higher Teaching Training College (ENS), Higher Institute of Physical Education and Sports (ISEPS), Department of Health Sciences, Higher Polytechnical Teacher Training College, Institute of Rural Development (IDR);
- Be registered at a college abroad in the second year.

Personal files are examined anonymously (hence impartially) and a grant can only be awarded if the student applies for it.

However, in the interests of balance between difference career paths, the Government may exercise its authority in orienting the student. In recent years, women students have shown a distinct preference for subjects in the arts and in communication sciences and techniques.

Table 54
Institute of Communication Sciences and Techniques

Year	*Total number of students*	*Men*	*Women*	*Percentage of women*
First year	355	155	178	50.14
Second year	210	122	88	41.90
B.A.	426	220	206	48.35
M.A.	92	51	41	44.56

Source: University planning service, 1998-1999.

Table 55
National College of Administration and Magistracy

Year	*Total number of students*	*Men*	*Women*	*% W*	*% M*
First year	20	18	2	10	90
Second year	105	90	15	14.28	85.71
Third year	82	74	8	9.75	90.24
Total	**207**	**182**	**25**	**12.07**	**87.87**

Table 56
Higher National Polytechnical College

Year	*Total number of students*	*Men*	*Women*	*% W*	*% M*
First year	102	82	20	19.60	80.39
Second year	77	69	8	10.38	89.61
Third year	114	76	38	33.33	66.66
Fourth year	15	15	0	0	100
Fifth year	8	8	0	0	100
Total	**316**	**250**	**66**	**20.89**	**79.11**

Table 57
Rural Development Institute

Year	*Total number of students*	*Men*	*Women*	*% W*	*% M*
First year	111	84	27	24.32	75.67
Second year	62	49	13	20.96	79.03
Third year	171	145	26	15.20	15.20
Fourth year	21	14	7	33.33	66.66
Fifth year	68	63	5	7.35	92.64
Total	**433**	**355**	**78**	**18.01**	**81.99**

Table 58
Higher Institute of Management

Year	*Total number of students*	*Men*	*Women*	*% W*	*% M*
First year	115	82	33	28.69	71.30
Second year	89	47	42	47.19	52.80
Third year	63	43	20	31.74	68.25
Total	**267**	**172**	**95**	**35.58**	**64.42**

Table 59
Marien Ngouabi University

Year	*Total number of students*	*Men*	*Women*	*% W*	*% M*
First year	5 589	3 979	1 610	28.80	71.19
Second year	3 000	2 292	708	23.6	76.4
Third year	3 398	2 581	817	24.04	75.95
Fourth year	1 991	1 604	387	19.43	80.56
Fifth year	219	197	22	1	8.99
Sixth year	32	25	7	21.87	78.12
Seventh year	50	41	9	18	82
Total	**14 279**	**10 719**	**3 560**	**24.94**	**75.06**

Table 60
Grants awarded

Year 1998-1999	*Total*	*Percent*
Men	3 194	75.65
Women	1 028	24.35

Source: Directorate of Grants Allocation, April 2000.

Note: A high female dropout rate is noted in higher education.

Section V
Access to continuing education, adult literacy and functional literacy programmes

The Congo has always placed special emphasis on adult literacy programmes, often carried out at literacy centres operated by nuns or foreigners for the benefit of Congolese women.

These centres were open to women who had dropped out of school and wanted to resume their studies and pass some State examinations. A centre that achieved nationwide renown was opened at the Brazzaville Chamber of Commerce. Women, often facing marital and financial problems, attended literacy centres in large numbers and saw their social situation improve. With the coming of nationalized education, up to 200 000 illiterate persons attended literacy courses between 1965 and 1975.

This was followed by a decline in numbers until 1979.

Act No. 20/80 of 11 September 1980 made literacy compulsory. An organ was entrusted with combating the growth of illiteracy among women. Illiteracy rates had reached the high level of 40%.

The National Standing Council to Combat Illiteracy (CNPOLA) was established by Decree No. 82/211 of 28 February 1982. The illiteracy rate reached 40% and was particularly high among women (51.7%) and in rural areas.

Following the Jomtiem Conference, 1990 was declared International Literacy Year. It also marked the beginning of the Education for All Decade. The Congo achieved the high literacy rates of 83.1% for men and 67.2% for women. The Act of 6 September 1990 ensured basic education for all citizens with a view to their integration in social and cultural life.

In addition to the creation of literacy centres, the following measures were adopted:

- The "Alpha" radio station, specially devised to accompany the literacy effort, was launched;
- A programme entitled "It's never too late to learn" was broadcast over the national radio by the General Literacy Directorate;
- Another programme, entitled "Bakento ya Kongo", was specially devised for purposes of teaching functional literacy to women;
- A monthly magazine called "Sengo" was published with a view to spreading literacy among smallholders and market gardeners.

The literacy effort also addressed itself to ethnic minorities (such as Pygmies), street children, handicapped persons and illiterate immigrants. An intensive campaign conducted in the national languages was mounted to demonstrate the urgency of the literacy cause.

The educational system also instituted national remedial courses (CINARA) at so-called "People's Colleges", where Congolese children who had dropped out or had never been to school could continue their schooling. CINARA recruited out-of-work teachers and charged tutorial fees.

Parallel with this, evening classes were also organized all over the country. All Congolese wishing to improve their educational level or learn a new craft could register for these courses.

Curricula, examinations and teaching contents were the same as in regular schools. The proportion of women and girls was high. Unfortunately, all statistical data have been lost owing to the recent upheavals.

After the conflicts, the remedial courses and evening classes began slowly to revive. Centres such as, in particular, the so-called "woodland and pasture institutes" for agricultural workers were opened at technical secondary schools (CET) in Brazzaville.

A training centre for the hotel trade is in operation at Pointe-Noire. The Government, determined to reassert its authority among the young, is encouraging this system of training. Documents are in preparation for the launching of other craft apprenticeship centres.

The State is also receiving support from development NGOs. Thus, the German Association for Adult Education supported the Congo DV.V project.

The range of these efforts led UNESCO to award an honourable mention to the Congo in 1991. Religious denominations are also involved in carrying out these

arduous tasks. However, the dynamism of the enterprise was slowed down by the armed conflicts that occurred after 1992. The number of centres fell from 491 in 1985 to a mere 64 in 1997, the number of students (men and women together) dropping by 7.7%. In 1995 the number of illiterate persons countrywide was 353 000, including 239 000 women. The disparity between men and women grew steadily, impeding the attainment of the Education for All targets.

Since the end of the conflicts, the following action coordinated by the Ministry responsible for the advancement of women has been undertaken as part of the national reconstruction process:

- Reduction of illiteracy among women through literacy courses for rural women, women market gardeners and women farmers (64%) and women shopkeepers (69%) at their workplaces;
- An IEC programme operated by women in the media ("Rural radio") and broadcast in the national languages;
- An information and awareness-raising campaign on women's rights;
- Establishment of a women's research, information and documentation centre (CRIDF, or Women's Centre).

The NGOs and women's associations, not to be outdone, are likewise providing training for girls and women, especially in petty trades (pastry-cooking, soap-making, processing of local produce) and providing information on health matters, principally in connection with HIV/AIDS, which is claiming many victims among the country's women and children.

In the sphere of culture, women artists, painters and sculptors are expressing themselves and exhibiting their works. The NGOs are helping to open women's and girls' minds to the world of tomorrow (the globalization phenomenon). With assistance from the Department for the advancement of women, they organize seminars on data processing and the Internet for women and girls. Nearly 400 women have attended the two seminars held to date.

The tables below illustrate the literacy rate in the Congo.

Table 61
Development of literacy centres

Year	Centres	Organizers	Students		
			Men	Women	Total
1990	111	270	1 090	1 115	2 214
1991	209	390	2 163	2 469	4 632
1992	173	355	1 806	2 119	3 925
1993	142	305	1 409	1 716	3 125
1994	116	263	1 099	1 390	2 489
1995	95	226	857	1 126	1 983
1996	131	399	3 286	1 792	5 078
1997	64	167	522	739	1 261

Source: Directorate of Planning, Ministry of Primary and Secondary Education, 1998.

Table 62
Estimated literacy rate in the Congo

Sex	*Men*	*Women*
Men	64.5%	83.1%
Women	39.6%	67.2%

Source: UNESCO, 1998.

Table 63
Development of the literacy rate

	1974			*1984*		
Age group	*T*	*M*	*W*	*T*	*M*	*W*
Total 15+	60.8%	46.4%	73.1%	41.5%	29.5%	52.4%
15-19 years	18.7%	8.4%	28.2%	9.1%	5.5%	12.5%
20-24 years	30.9%	14.7%	44.2%	16.7%	10.1%	22.9%

Source: General population and habitat census (RGPH), 1974 and 1984.

Table 64
Progression of the literacy rate, 15-20 age group

	1974			*1984*		
Age group	*T*	*M*	*W*	*T*	*M*	*W*
Total 15+	31.6%	43.2%	21.3%	58.5%	70.5%	47.6%
15-19 years	81.2%	91.6%	71.8%	90.9%	94.5%	87.5%
20-24 years	69.1%	85.2%	55.7%	83.3%	89.9%	77.1%

Source: General population and habitat census (RGPH), 1974 and 1984.

Section VI
Reduction of female school dropout rates and organization of programmes for women and girls who have left school prematurely

Many problems face Congolese children, especially girls. While Act No. 25/95 of 17 November 1995 provides for a compulsory schooling period of 10 years for both sexes, the enrolment rate diminishes as you go up the educational scale, viz.:

- 45% in junior secondary school;
- 26% in senior secondary school;
- 18%in higher education.

Girls start dropping out of school already after the third year of primary school.

There are multiple reasons for this phenomenon:

- The powerlessness of the educational system despite all the laws passed and the many symposia and seminars held;
- Poor performance at school and high rate of repeats (23 to 44%) already at primary level;
- Discrepancy between the education offered and the needs of the labour market;
- Repeated modifications of school curricula;
- Imbalances between general, technical and vocational education;
- Early marriages and pregnancies;
- Lack of encouragement on the part of the girls' parents;
- Lack of commitment on the part of the girls themselves.

Table 65
Rate of repeats at primary school level

Year	*First*	*Second*	*Third*	*Fourth*	*Fifth*	*Sixth*
Percent	36	23	42	36	33	38

Source: Directorate of Project Studies and Planning, Ministry of Primary, Secondary and Higher Education responsible for Scientific Research (MEPSSRS).

Note: The high rate of repeats at primary level is one of the factors in the school dropout rate.

Table 66
Dropout rate at primary level per first year intake of 1,000 pupils

Year		*First*	*Second*	*Third*	*Fourth*	*Fifth*
Total	Number	140	89	239	151	110
	Cumulative number	140	229	468	619	729
Boys	Number	173	109	237	176	114
	Cumulative number	173	282	517	582	696
Girls	Number	104	65	237	176	114
	Cumulative number	104	169	519	582	696
G/B parity index		0.6	0.6	1.0	1.3	1.1

Source: Directorate of Project Studies and Planning, Ministry of Primary, Secondary and Higher Education responsible for Scientific Research (MEPSSRS).

These tables show that until a certain level the dropout rate is lower among girls than among boys. Up to the 7th year of primary school there is parity between girls and boys, viz.:

- 73.3% girls;
- 73.3% boys.

In 1993-1994, despite the low enrolment rate for girls, the dropout rate as measured against the 1st year intake was 48.2% girls and 51.8% boys. By the 4th year the dropout rate was 68.7% boys and 58.3% girls. Thus the gap was more striking at 4th year level.

While it is true that girls and boys enjoy the same conditions of access to and study in primary, secondary and higher education establishments, it must be recognized that girls have a smaller chance of completing their schooling. Of 1 000 girls admitted to primary school, only 60 (6%) reach the university. Here, male students predominate, especially in the so-called "men's subjects". The percentage of women students is low, viz.:

- 11% in natural sciences;
- 18% in economics;
- 5 to 7% in exact sciences;
- 12% in agricultural sciences; and
- 21% in medicine.

Table 67
Efficiency and dropout coefficients in the 5th and 6th years of primary school in 1992-1994

			Dropout due to	
	School year	*Efficiency coefficient*	*Stopping going to school*	*Repeating the year*
Boys	Fifth year	37.3%	73.3%	26.7%
	Sixth year	29.5%	61.4%	38.6%
Girls	Fifth year	40.8%	73.2%	26.8%
	Sixth year	33.3%	60.8%	39.2%
Total	Fifth year	39.1%	78.9%	21.1%
	Sixth year	31.3%	54.8%	45.2%

Source: Directorate of Project Studies and Planning, Ministry of Primary, Secondary and Higher Education responsible for Scientific Research (MEPSSRS).

Other causes of dropping out, especially among girls, are the following:

- The weight of culture, early marriage being thought preferable;
- Basic upbringing, which is different for girls and boys. Girls have to do domestic chores and help their mothers to look after their siblings;
- Intensive urbanization;
- High cost of schooling;
- Poverty of families;
- Early pregnancies, as a result of which girls become heads of families or are otherwise obliged to take responsibility for other people very early in life.

The consequences of dropping out are: "street children" (a new phenomenon but one that is growing, especially since the civil wars), child labour, child drug addicts, and very young girl prostitutes. In order to limit this phenomenon the Congo has decided keep pregnant girls at school and no longer to expel them, as was the case before. The impact of this measure is, however, limited. The social problems are so severe that rapid results are difficult to achieve. Unemployment and pauperization of families are new phenomena that are getting worse. Parents can no longer afford to send their children to school or to supervise their school attendance. You have to be well-off in order to send your child to a private school, where classes are smaller and children in difficulties can be more readily supervised. Class sizes in State schools are enormous.

Charities and NGOs are trying to help street children by offering them shelter in special hostels and reception centres. Some NGOs offer vocational training to young mothers who have dropped out of school because of pregnancy.

There used to be special schools for handicapped children – a school for the deaf, another for the blind – budget appropriations and grants for which were provided by the State. The wars have done away with all that and have seriously perturbed the schools system as a whole.

Section VII
The same opportunities to participate actively in sports and physical education

Sports have never been regarded as a feminine pastime or occupation. A change in people's mentalities was needed. In girls' schools, sports were treated in a lukewarm manner. A few physical jerks were considered to be enough. Then girls began gradually to take part in national and international sports competitions. It seems that today girls still do not attach a great deal of importance to sports as an aid to the harmonious development of their bodies and minds. At all events they often ask to be dispensed from physical education classes. Fortunately, side by side with this apathy, Congolese girls are showing great enthusiasm for handball and basketball and are registering successes at national and international levels. A few girls take part in games held by the National Office for School and University Sports (ONSSU).

Teachers of physical education and sports are trained at the National Institute for Youth and Sports (INJS) set up by a decision of the National Sovereign Conference and by Decree No. 92/787 of 29 August 1992. This establishment has replaced the National Sports Institute and the Youth College. In addition to games teachers, the INJS also trains youth leaders and organizers for social and educational youth centres. Women, however, are very poorly represented (two out of 23 students in the 4th year) and a lack of women sports teachers is deplored.

It is also desirable that young Congolese women should receive some cultural education in the sphere of the arts. There again, however, participation is low. Congolese young women are showing a timid interest in music (19 out of 49 music students at the School of Fine Arts, 19 out of 50 students of plastic arts). There are a few women musical performers, but they have not received any proper training.

A few girls excel in the existing theatre groups, but again without proper training Acting is often a matter of natural predisposition or learning "on the job".

Table 68
Numbers of physical education and sports teachers (EPS)

			Serving		*Seconded*			*Status*	
Rank	*Grade*	*Total*	*M*	*F*	*M*	*F*	*Available*	*Civil servants*	*Free-lancers*
EPS inspector	AI	1	1	-	-			1	-
Inspector of EPS	AI	53	51	2	-			53	
Senior teacher	AI	308	299	9	32			307	1
Assistant senior teacher	AII	160	156	4	-			160	
Educational counsellor	AII	130	129	1	-			130	
Sports counsellor	AII	113	107	6	-			113	
Junior EPS master	BI	1 278	1 118	160	-			1 258	
Assistant EPS master	CI	45	43	2	-			45	20
EPS monitor	DI	5	4	1	-			-	5
Total		**2 093**	**1 908**	**185**	**32**			**2 067**	**26**

Source: Personnel service, General Directorate of Sports (DGS), 1992-1994.

Table 69
EPS teaching staff in other establishments

Educational establishment	*EPS teaching staff*	*Total teaching staff*
Grammar school (general education)	135	1 825
Secondary school (general education)	38	3 864
Crafts centre	18	234
Vocational training centre	53	339
Secondary school (technical education)	34	569
Technical grammar school	13	395
Total	**639**	**7 226**

Source: Statistical and planning service, Ministry of Education, 1991-1992.

Table 70
1994-1995 examination results, Higher Institute of Physical Education and Sports

Section (future career)	*Students registered*	*Students examined*	*Passes*	*Failures*	*Per cent*	*Years of study*
Inspector for youth and sports, (first year)	18	18	18	-	100%	1
Inspector for youth and sports (second year)	6	6	6	-	100%	2
Sports counsellor (first year)	8	8	8	-	100%	1
Youth leader (second year)	42	42	40	2	96%	2
Principal youth counsellor (first year)	13	13	13	-	100%	1
Principal youth counsellor (second year)	6	6	6	-	100%	2
EPS master (first year)	15	15	9	6	90%	1

Source: Report of activities, National School of Youth and Sports, 1994-1995.

Note: The results for 1992-1993 show a 100% pass rate in all sections.

Section VIII
Access to information designed to help to ensure the health and well-being of families and family planning

It is important that Congolese girls be educated in preparation for their future lives as citizens and mothers of families.

But the upbringing girls receive and the multiple roles they have to perform (as mother, wife, student, nurse, nurturer) take a toll of their health, psychological balance and development. When that happens, they need help.

The Congo therefore adopted a National Health Development Plan (PNDS) in accordance with Act No. 14-92 of 29 April 1992, which serves as the framework for the national policy in the field of health. In this Plan, women and children occupy a central place.

Its objectives include the encouragement of research and the dissemination of information on women's health, as well as the reduction of maternal mortality by 50% by the year 2001. It also provides for steps towards meeting women's needs in connection with STD and HIV/AIDS, as well as support for activities relating to population and family planning.

The Government has also taken the following action on behalf of Congolese young women:

- Establishment of a family planning advice centre for girls attending school;
- Support for risk-free motherhood and training of family planning counsellors, with help from the German Agency for Technical Cooperation (GTZ);
- IEC campaigns in matters relating to RH/SH/FP;

- Support for activities relating to population and family planning (launching of the female contraceptive), often conducted by NGOs and associations;
- Strengthening of prevention programmes capable of improving women's health.

Women's NGOs and associations are also helping women in matters of health, family well-being and AIDS problems. Particular mention may be made of the following:

- Catholic women's groups, which arrange talks and discussions;
- The "Women and Solidarity" association;
- Forum of Young Producers for Development;
- Thomas Sankara Pan-African Association;
- Women against AIDS;
- The Congolese Association for Family Well-Being (ACBEF);
- IRC, which is conducting a campaign on STD/AIDS and sexual violence, especially in the aftermath of the Congo wars.

Women's NGOs and associations are also active among young people in connection with drug problems and their ill-effects, by which that vulnerable stratum of Congolese society is severely affected.

A great deal of information is broadcast on Congolese radio and television, often in the national languages and in the form of sketches, e.g. by ACBEF on family planning and by PMRU on the importance of the use of condoms as a means of preventing AIDS and unwanted pregnancies. These activities deserve praise, considering that, according to statistics, 41% of the 890 deaths per 1 000 births are due to abortions. Early pregnancies are responsible for 32% of deliveries by Caesarian section.

Section IX
Constraints

Congo's educational system is criticised on more than one ground. In particular, it is reproached with inculcating values that do not correspond to the country's social and economic realities; Congolese schools are said to have encouraged the drift from the countryside and disadvantaged productive work. The system is too heavily weighted in favour of training future civil servants. Not enough qualified vocational training or guidance is provided in the short or middle term to enable young people to move in the direction of the unofficial sector. That is a serious failure. The educator's task has not been fully achieved.

This state of affairs has both endogenous and exogenous causes.

I. Endogenous causes

Already at the pre-school stage, schooling is not accessible to all. Supply does not match demand. The democratization of education has not been accompanied by the necessary measures to meet the requirements of a greatly increased school population (building new schools, training qualified teachers). The State's school-

building effort has been insufficient in the cities; in the countryside, where parents took an active part in this effort under the "creative action of the masses" project, the number of primary schools rose from 806 to 1620 and that of secondary schools from 47 to 223 between 1965 and 1990. But urban schools were overcrowded (80 to 100 pupils per class in primary). Schooling had to be dispensed in two sessions (morning and an evening), not always with happy results, and the number of teaching hours was reduced to 22 per five-day school week.

The chronic shortage of teachers was thought to justify the recruitment of non-qualified "volunteer teachers". New teacher training centres were opened at Brazzaville, Owando and Lubomo, producing a quantitative but not to a qualitative improvement.

Classes are overcrowded. Within the framework of Education For All, education is compulsory and all children are educated at the expense of the State. The villages have no facilities and a process of drift to the cities is observed. Teachers have to deal simultaneously with two or three classes and are overworked. The solution of "Sunday schools" has been tried. Teaching materials (books, laboratory equipment, etc.) are in short supply. The teacher must dictate the lessons or have the children copy them from the blackboard instead of explaining, demonstrating and setting exercises.

Sexual discrimination is a further constraint. The school enrolment rate for girls has fallen, for a number of reasons. Girls drop out of school at an early age. Parents do not attach much importance to the education of their daughters, who are needed for the performance of domestic chores at home. Girls have little time for study. People say: "For a girl, a good marriage is worth more than a diploma". Sexual and emotional problems arise early in the lives of Congolese youths. In the lives of girls the causes are more serious: early pregnancies and a rapid spread of sexually transmitted diseases due to lack of sexual education at home or at school. The girl, often rejected by her family and left to her own devices, has an abortion – often under dubious conditions, with all that this entails – or gets a man to keep her. Or else she soon finds herself on the street.

Many teachers practise sexual harassment of their girl students.

II. Exogenous causes

These have to do with the general environment. The country's economic situation, which exercises a great influence on the upbringing of children, is not favourable to a normal upbringing. To this must be added an educational policy characterized by:

- Three guiding principles: democratic, compulsory and free education;
- Emphasis on general education to the detriment of technical education;
- Poor remuneration of teachers;
- An unfavourable environment. Young people in the Congo are not trained to face up to the realities of life. The education dispensed in the schools is mere book-learning. Only the religious communities have managed to teach something else, especially to girls.

Parents have not always succeeded in contributing towards their children's education. Female illiteracy is a matter of great concern. As the Director-General of

UNICEF has said, "children of mothers who have received a good education have a better chance of surviving and growing up healthy". In the Congo, the mothers themselves have suffered traumatic experiences: illiteracy, incessant wars since 1993 (with women and children the principal victims), economic crises, explosion of STD and AIDS.

Section X
Prospects

Although its successes have been limited by problems that have arisen since nationalization, the Congo's educational system has, on the whole, produced satisfactory results. While the record for boys is quite good, girls obviously have trouble keeping up, especially in scientific and technological subjects. Girls, who are future economic actors of the first importance, need to be motivated and encouraged. Education has a major role to play. If women and girls are to succeed in life and to become fully-fledged partners in development, curricula and teaching policies need to be reformed. Educational reform must be founded on these four pillars: learning to know, learning to do, learning to live together, learning to be.

Many kinds of prospective action can be envisaged in education in general and girls' education in particular.

Prospects

I. General

- Assignment of a larger share of national resources to education, establishment of universal free education;
- Involvement of social institutions and international bodies, as well as local religious organizations and NGOs, in educational reform;
- Development of a policy aimed at improving of working conditions;
- Providing more attractive working conditions for teachers with a view to dissuading them from choosing more prestigious careers (such as diplomacy) or more "trouble-free" ones (such as general administration). The teaching bonus, at present very small, should be upgraded. Decree No. 99-50 of 3 April 1999 on promotions in the teaching profession should be implemented effectively, extensively and energetically;
- Measures to increase awareness of the importance of equality between the sexes within the teaching profession;
- Revision of curricula and teaching materials with a view to eliminating sexual injustices and bringing teaching more closely into line with the needs of the community;
- Updating of literacy programmes;
- Establishment of a national committee to monitor and evaluate educational activities and a national programme of citizens' education;
- Creation of facilities for the execution of educational programmes;
- Creation of regional civic education centres;

- Inclusion of civic education in school curricula and in literacy and popularization programmes;
- Holding countrywide forums on democratic culture, good governance and the culture of peace;
- Encouraging a spirit of enterprise in children;
- Improving teaching conditions in the regions with a view to halting the drift from the countryside;
- Restoring the prestige of the traditional cultural heritage;
- Reactivating the National Plan of Action for Children (PANE);
- Reintroducing the emulative system in schools, with prizes awarded to the best pupils.

In short, showing a strong political will to reverse current trends.

II. Prospects for girls:

- Reducing the domestic workload of women and girls with a view to enabling them to continue their studies. This presupposes a change of mentalities and an improved economic situation of the family;
- Establishing guidance and counselling programmes for girls with a view to enabling them to choose a career early in life;
- Encouraging child mothers and pregnant girls to return to school and granting them significant social assistance;
- Enhancing the awareness of communities of the importance of educating girls;
- Strengthening or updating literacy and continuing education programmes for adult women;
- Adoption of new educational and training policies specially focused on the problem of the education of girls, especially at primary level;
- Recruiting women teachers — who have a better understanding of women's problems — in both rural and urban areas;
- Introducing flexible curricula in rural areas with a view to encouraging greater participation on the part of girls and improving their assiduity, as recommended by the Education For All programme;
- Increasing the number of grants awarded to girls;
- Making science and technology more attractive and more accessible to women. This would require:

  • A review of curricula and educational materials at all levels and the elimination of all stereotypes likely to discourage women from choosing technical careers;

  • Offering special support to women in scientific and technological careers;

  • Publicizing "role models" of successful women in the fields of science and technology;

- Developing indicators with a view to evaluating dominant trends as regards equality of the sexes and strengthening women's capacities in the fields of science and technology;
- Training girls to become citizens of the world in health and environmental matters as well as in politics, peace culture and human rights;

– Creation of machinery for the capitalization of assistance funds for girls with a view to supporting female education;

– Holding "open days" at secondary and higher educational establishments with a view to encouraging the wish to study;

– Reducing the domestic workload by opening or re-opening nurseries, infant schools and children's leisure centres with a view to helping women and girls to continue their studies;

– Reintroducing an emulative system with prizes awarded to the best pupils;

– Awarding grants to children in special schools.

Section XI
Conclusion

Educating the young, including young women, is the responsibility of us all: the Government, national and international NGOs, women's and mixed-sex associations, religious denominations, United Nations agencies. All of us must join in the effort to provide first-rate support to this stratum of society.

The important gender differences revealed by statistics are not due to our laws on education, which are egalitarian. The State and other partners must create the conditions for improving the situation of women and girls.

In order to overcome the existing discrepancy between schooling and the world of work, the unofficial sector should be promoted with a view to helping women to earn a decent living instead of becoming prostitutes, leading a life of debauchery or joining private militias maintained by ill-intentioned individuals.

Associative youth movements should be promoted with a view to encouraging young people to mix at the regional and international levels. Young people should have responsible adults to guide them. We have in mind such organizations as the Boy Scouts and Girl Guides, or other Christian or non-denominational youth movements in which young people of both sexes can receive the same education and citizenship training.

The Government has given ample proof of its concern with the problem of educating the Congo's youth, both boys or girls. But it must go further and try to create the conditions necessary to reverse the current trends as regards dropout rates and unsuitable career choices, especially among girls. At the start of a new century, our educational system must make a fresh start.

Chapter XI
Work (article 11)

Article 11

"1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

2. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary."

Section I
Legislation on equality of rights between the sexes in employment

Equality of the sexes in matters of employment is proclaimed in the national legislation as well as in international conventions.

I. National legislation

The Constitution of the Congo and other legislative texts guarantee the equality of men and women.

- The Basic Act of 24 October 1997 guarantees the participation of every Congolese citizen in the life of the nation. In its article 21, it provides: "Women shall have the same rights as men in political and social life. For equal work, women shall be entitled to the same wages as men".
- Act No. 45/75 of 15 March 1975 containing the Labour Code, revised in 1982, ensures equality of access to employment, equal remuneration and the right of women to maternity leave.
- The Social Security Code, Act. No. 004/86 of 25 February 1986, confers equal rights on men and women as regards social security.
- Act No. 021-89 of 14 November 1989 revising the Civil Service Statute sets forth the rules governing the management of posts in the public service. No distinction between the sexes is drawn in this provision.
- The collective agreement of 1 September 1960 applicable to freelance and auxiliary agents in the public service affirms the equality of men and women in a general manner.
- The Family Code, Act No.73/84 of 17 October 1984, confers the same rights upon men and women.

The new Constitution just adopted by referendum on 20 January 2002 confirms and strengthens the principle of equality. All the above provisions ensure the formal equality of men and women in all spheres of public and private life.

II. International conventions

Congo has ratified 27 of the 182 ILO conventions, including the five following Conventions specifically affirming the equality of men's and women's rights in matters of employment:

- Convention No. 89 concerning Night Work of Women Employed in Industry (revised 1948);
- Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;
- Convention No. 103 concerning Maternity Protection (revised in 1952);

– Convention No. 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers with Family Responsibilities.

Other conventions not yet ratified by the Congo are nevertheless exerting an influence on employment practices.

Section II
Employment in the public, private and unofficial sectors

I. Public employment

In articles 20 to 24 of the Basic Act and of the Constitution of 20 January 2002, the State affirms the right to work of all citizens, as follows:

"Work is a right and a sacred duty. Every citizen shall have the right to be remunerated according to his work and merit. Any discrimination based on race, sex, physical status, and regional or ethnic origin shall be prohibited" (article 22).

Article 200 of the General Civil Service Statute provides that no distinction may be made between the two sexes in the implementation of the Statute, with the exception of provisions relating to maternity leave. However, because of the special physical aptitudes required for certain posts, such posts may be reserved for agents who meet those conditions (article 200).

II. Employment in the private sector

Conditions of access to employment in the private sector are governed by the Labour Code and by separate industrial agreements (oil industry, retail industry, etc.), which grant certain advantages, essentially as regards remuneration, to workers in the private sector.

Article 105 of the Labour Code provides as follows: "In all non-agricultural establishments, whether public or private, including educational and charity establishments, the legal working hours of full-time or piecework employees or workers of either sex may not exceed 40 hours per week".

III. Employment in the unofficial sector

The unofficial sector is the one preferred by women. It provides employment and incomes for a large part of the population. It is the last refuge of women, who account for 64% of the active population.

Women in the unofficial sector face many problems: unfair competition from peddlers, the non-existence of a legal framework, illiteracy, absence of a structure for the defence of their interests.

As in most African countries, State records do not keep track of women's activities in the unofficial sector.

One of the characteristics of African countries is the widespread existence of households in which the head of the family is a woman. Women heads of families, especially in the countryside, are among the social categories most severely affected by poverty. The overwhelming majority of such women are employed in the unofficial sector, where they run small shops or small production units from which they derive what is often a low very income on which to raise whole families.

Among women heads of families who are responsible for their children and other dependants, a significant number are married women (the rest being widows, divorcees and single women). Many husbands migrate from the countryside to large urban centres. This leads to prolonged absences and obliges women to run their households single-handed and to join the ranks of workers in the unofficial sector.

Section III
Women and employment

The rights exercised by women under the same conditions as men can be summed up as follows:

- The right to work, as an inalienable right of all human beings;
- The right to the same employment opportunities, including the application of fair selection criteria in employment matters.

However, where recruitment in both the public and the private sectors is concerned, the trend is to give preference to men. The phenomenon is particularly marked in the private sector, where women are at a serious disadvantage because of their status as wives, mothers, housewives and heads of families.

Article 23 of the Basic Act and article 8, paragraph 3, of the new Constitution contain the following special provisions relating to women: "Women shall have the same rights as men in the political and social life. For equal work, women shall be entitled to the same wages as men".

Legal discrimination in employment matters does not exist, but in actual fact women are employed very little, especially at the highest decision-making levels or in senior technological posts.

Women account for more than half the population (52%) and contribute greatly to the economy (46% of the active population). They form 70% of the agricultural labour force and are responsible for 60 to 80% of food crop production and nearly 100% of non-industrial processing of agricultural produce. In all, women account for 60.4% of agriculture and 58% of trade. Women's representation amounts to 64% in the primary sector, 1.1% in the secondary sector and 33% in the tertiary sector, respectively.

Women's activities in the countryside are essentially limited to subsistence farming. In addition to agricultural work deriving from the traditional division of labour, they habitually engage in artisanal tasks that bring in but little money, marketing facilities being practically non-existent and the techniques employed, archaic.

In the towns, women's access to professional activities is restricted by their low qualification level and by the domestic constraints and responsibilities they have to meet. Service activities proliferate, as does petty trading in the home or on markets. The earnings from these occupations serve as subsistence revenues.

Rural women and women in the unofficial sector have no welfare coverage and cannot obtain credit from banks if they want to extend their activities.

Women's participation in employment in the official sector has grown rapidly. However, access to employment is not a guarantee of quantitative or qualitative representation. In 1995, women accounted for only a quarter (14 335) of the

country's 57 343 public service agents; of 105 0235 persons registered with the National Social Security Fund (CNSS), only 20 035 were women. In 1990 there were only 18 414 women in a total of 55 130 public service agents.

Owing to the civil service recruitment freeze imposed by economic problems, these figures have not changed to any significant extent. Today, the employment on offer in the cities is of the more modern type, requiring not only certain physical abilities but also, above all, special skills. This works to the disadvantage of women, who have not always received the necessary specialized or other training. Access to responsible posts in the civil service is linked to qualifications, and women are most often employed in grades B and C, which correspond to a medium level of qualifications.

The General Directorate of Labour and Employment classifies the presence of women in employment in three categories:

- High-level (decision-making): very low proportion of women;
- Medium-level (middle grades): insufficient proportion of women;
- Low-level: the majority of women in the public sector are to be found here.

By way of example, it is worth mentioning that in the State education system, pre-school and primary teachers – among whom women predominate – are placed in the third category. The second includes the staffs of secondary and grammar schools, where women are rarely employed as teachers but are more frequently to be found among the administrative and office staff. Lastly, the top class is reserved for university staff, among whom there are very few women indeed.

Section IV
Career development and access to training

Two provisions of the General Civil Service Statute, namely, articles 206 and 226, govern career development and access to training.

Article 206

"Every civil servant shall be entitled to promotion to the extent of his merits and of the administration's requirements. Promotion shall be organized on the basis of:

- Internal competitive examinations with a view to promotion in a higher category;
- Professional competitive examinations giving access to training;
- Advanced training courses that may provide access to certain posts;
- Exceptional appointments, the conditions for which shall be determined by a decree passed by the Council of Ministers;
- Professional (vocational) tests."

Article 226

"Serving civil servants shall be under obligation to take advanced training or retraining courses organized by the administration during working hours."

So far as training is concerned, advanced professional training, especially when it involves service periods abroad, represents an enormous problem for women, by reason essentially of their functions as wives and mothers, but also as women heads of families, responsible single-handed for their children and dependants.

Nevertheless, it must be pointed out that women are strongly represented in national professional training institutes, especially ENS. Certificates obtained on graduation from these schools confer the right to a change of grade, level, category and post.

Section V
Remuneration

In accordance with international conventions, the principle of equality of remuneration between men and women workers for work of equal value is implemented in respect of all workers, without distinction as to sex, in the public and private sectors.

The Civil Service Statute provides that every public agent shall be entitled to remuneration established depending on grade, employment and post (article 205).

Official missions performed outside normal service hours are remunerated as overtime.

Every public service agent shall be entitled in the course of his professional life to equitable progressive advancement that guarantees an increase in remuneration (article 207).

There also exists no discrimination in terms of remuneration in the private sector, where the principle of "equal pay for equal work" is uniformly applied. In reality, however, few women are to be found in the higher technical categories. This accounts for income inequalities.

Employers, both public and private, respect the principles of the Labour Code, whose article 80 provides as follows: "In the presence of equal conditions as to work, professional qualification and output, wages shall be equal for all workers, whatever their origin, sex, age or status".

Section VI
Social security of workers

Articles 211 and 212 of the General Civil Service Statute focus on the right to social security of the worker and of his spouse(s) and dependent minor children, as follows:

- Payment of 80% of hospitalization costs from the budget of the department to which the public agent belongs;
- Payment of funeral costs if the public agent has died while in service;

– Payment of the costs of transporting the body of a deceased spouse or child.

Article 212 provides that every agent shall be entitled to social security coverage and to a retirement pension. In the present context of economic recession, the right to free medical consultations and examinations at public dispensaries and hospitals is still far from being a reality. Several articles of the Labour Code and Social Security Code guarantee the protection of the rights of women as regards working conditions and functions of maternity.

I. Night work

The duration of night work may not exceed eight consecutive hours (article 107). Women may not be employed for night work in factories, plants, mines, on building sites and in workshops and their annexes, (article 108). The prohibition set forth in that article can only be suspended by a decree of the Ministry of Labour after consultation of the most representative employers' and workers' organizations concerned. A woman's daily rest period must be of 11 consecutive hours' duration.

II. The maternity function

The work of women and children is regulated by articles 112 to 117 of the Labour Code (chapter III).

A. Dismissal due to pregnancy

Article 113 (1) of the Labour Code provides: "A pregnant woman whose condition has been medically attested may leave her work without giving notice and without having to pay a fine for breach of contract".

B. Maternity leave

According to article 113 (2) of the Labour Code, in the event of a confinement, all women employed in the private sector as well as freelance female employees of the State are entitled to suspend their work for 15 consecutive weeks, including 9 after the confinement.

During that period, the employer cannot dismiss the woman. She is entitled to benefits under the CNSS, free medical care and half of the wage she was receiving at the time the suspension of work took place.

C. Right to rest periods for breast-feeding

Employing a woman during the 15 weeks of maternity leave is prohibited. For a period of 15 months following the birth of the child, the mother is entitled to rest periods for breast-feeding. These rest periods may not exceed an hour a day.

D. Prohibition of heavy and dangerous work

Article 112 of the Labour Code and various decrees adopted upon consultation of the National Advisory Commission on Labour define the kinds of work prohibited to women and to pregnant women.

The private sector models itself very closely on the Labour Code in certain clauses of labour agreements in force in separate industries.

Section VII
Working conditions

All State agents have the right to decent working conditions appropriate to the performance of their duties (article 210 of the Civil Service Statute). They must be provided with the working tools and instruments needed for the accomplishment of their tasks. Work safety and hygiene must be ensured. Agents must be protected against occupational hazards. As far as possible, the State must provide transport for its agents.

As everywhere else, the real value of legal provisions resides in their implementation. The laws are there: their correct de facto application is yet to be achieved.

Section VIII
Constraints

Saturation of the civil service, collapse of public enterprises, closure of private companies due to the massive destruction caused by recurrent wars, continuing economic crisis – all these factors make for rapidly spreading unemployment. To those constraints should be added the following:

- Poor knowledge of laws and regulations;
- Ignorance of the usefulness of laws and regulations;
- Gaps, lacunae and insufficiencies observed in certain legislative texts;
- Excessive workload of women;
- Lack of marketing circuits;
- The weight of tradition;
- Lack of small-scale equipment for the processing and conservation of produce;
- Unfair competition.

All the above means that efforts to improve the status of women in both rural and urban areas if strategies aimed at improving the living conditions of women in general and of women workers in particular are to be crowned with success.

Section IX
Prospects

Possible prospective action could include the following:

- Support for the popularization of land laws and of the laws governing agriculture;
- Continuation and extension of the "Support of women's associations for the production of food-crop seeds" project;
- Preparation of an inventory and a catalogue of appropriate technologies;

- Popularization of these new technologies and assistance and training of women in using them;
- Support for the establishment and furtherance of groups, cooperatives and the associative movement in general through:
- Information, education and communication (IEC) campaigns on women's rights;
- Training sessions in pre-cooperative group management;
- Creation of a framework that will help to identify and codify women's rights and their advancement and protection;
- Strengthening women's capacities through training of all kinds.

Chapter XII
Women's access to health and social security (article 12)

Article 12

"1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation."

Section I
Women's access to health

A number of actions in the field of health have been undertaken in the Congo. The previous Constitutions, the Basic Act of 24 October 1997 and the recently adopted Constitution all proclaim the principle of equality of rights of all Congolese citizens in that sphere.

Article 28 of the Basic Act provides as follows:

"The State shall be the guarantor of public health. All citizens shall be entitled to living conditions sufficient to ensure their and their families' health and well-being".

The Congo has also underwritten various declarations, charters and international agreements dealing with health issues, including that on primary health care (PHC), and has joined the Bamako Initiative. The population's access to health care, without discrimination, is among the Government's concerns and is clearly stated in its Sectoral Declaration on Health Policy.[3]

[3] *Source*: *Health Policy*, MSSAH, 2000, 23 pages.

For decades past, the Ministry of Health has included a central structure specially responsible for women's and children's health issues, likewise provided for by Decree No. 98-256 of 16 July 1998 concerning the organization of the General Directorate of Health. That structure is the Family Health Board, whose duties include the preparation and implementation of health strategies, and in particular of a reproductive health strategy, for the benefit of women.

Activities of a preventive, curative or promotional nature relating to the social welfare of women, who form a vulnerable stratum of society, are incorporated in the work of practically all our public, semi-public and private health institutions such as dispensaries, health centres and hospitals.

In 1992, Act No. 014/92 of 29 April 1992 instituted the National Health Development Plan (PNDS). The implementation of PNDS has been proceeding since that date. PNDS, which provides the reference framework for the application of PHC measures, divides the national territory into health districts, the operating units of the health system.[4]

PNDS, one of whose main principles is equality of access to health care, pursues the following main goals:

- With the population's full participation, development of national coverage aimed at providing at least 80% of the population with quality primary health care at reasonable cost;
- Strengthening of national capacities in the management of the health system.

The following main strategy lines of the Plan may be emphasized:

- Integration of services and activities, in particular those relating to reproductive health and other health problems, with a view to the furtherance and protection of the health of mothers and children, including preparation for family life;
- Community participation, with special emphasis on the involvement of women in the management of the health system.

The attainment of these goals should make it possible to reduce maternal mortality and morbidity rates and to improve women's health. With this end in view, the Government has established the National Centre for the Purchase of Essential Medicines (CENAMES) (Decree No. 95-207 of 13 November 1995 and Decision No.402 of 11 March 1996 establishing the centre and approving its statute, respectively).

The Government is also concerned with the social protection of women. Acts Nos. 45/75 of 15 March 1975 and 06/96 of 6 March 1996, setting forth the Labour Code, provide inter alia as follows:

Article 113: "A pregnant woman whose condition has been medically attested may leave her work without giving notice and without having to pay a fine for breach of contract."

Article 114: "Employing a woman during the 15 weeks of maternity leave provided in the preceding article shall be prohibited."

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[4] *Source*: Ministry of Health and Social Affairs. National Health Development Plan.

Article 115: "For a period of fifteen months from the birth of a child, the mother shall be entitled to rest periods for breast-feeding."

The Social Security Code provides for family and maternity allowances payable to women.

I. The present health situation

Women predominate in the Congo's population, accounting for 52% of the total. including 22.8% of child-bearing age (15-45 years).

Women's life expectancy rose from 45 years in 1974 to 53 years in 1984.

In 1984, the synthetic fertility index was approximately 6.3 children per woman. Studies at present in progress suggest an average of 5.9 children per woman, this reduction being the result of family planning. The maternal mortality rate is estimated at 890 per 100 000 live births.

No demographic or health survey has as yet been conducted in the Congo. The national health information system is not very efficient and such data as are available do not always cover the whole country. No studies on population or health have been undertaken to date, which explains the systematic lack of gender-differentiated data that makes it difficult to form a clear picture of the situation of women nationwide.

However, with the help of the General Population and Habitat Census (RGPH) conducted in 1984 and of isolated surveys carried out here and there, the following account can be given of the health situation of Congolese women:

A. Maternal mortality

Maternal mortality continues to be high. In a hospital survey conducted in 1983 it was estimated at 650 deaths per 100 000 live births. Other sources estimate it at 890 deaths per 100 000 live births, with a higher rate in rural areas in the 20 to 39 age group.

The main causes of maternal deaths are connected with complications during pregnancy and confinement. Clandestine abortions account for 41% of death cases, followed by infectious complications (32%), bleeding, complications due to high blood pressure and anemia. Other causes of death are connected with HIV/AIDS and gynecological cancers, principally cancers of the cervix.[5]

B. Maternal morbidity

Gynecological and obstetrical diseases were the leading motive for consultations at mother-and- infant health centres in 1990 (analysis of the situation of women and children, 1990); sexually transmissible diseases accounted for a not insignificant share. Other health problems are connected with infectious diseases (malaria) and hereditary or chronic diseases.[6]

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[5] *Source*: *National Strategy for Reproductive Health*, MSSAH, 39 pages.

[6] *Source*: op. cit.

C. Antenatal care

Antenatal monitoring of all pregnant women is compulsory. The antenatal consultation services recommend three compulsory consultations in the 3rd, 6th and 8th months of pregnancy. The object of these compulsory consultations is to detect risk factors with a view to taking early steps to deal with complications and provide preventive care. In addition to the compulsory consultations, other intermediate ones may be arranged depending on the mother's state of health.

Table 71
Number of antenatal consultations (CPN) per woman in two cities

Number of CPN, city	*0*	*1*	*2*	*3 or more*	*Total*
					110
Brazzaville	10.21% (69)	7.4% (50)	9.91% (67)	72% (490)	0% (676)
Pointe Noire	8.08% (46)	3% (17)	9.31% (53)	79.61% (453)	100% (569)
Average	**9.15%**	**5.2%**	**9.61%**	**76.05%**	**100%**

Source: Report on MSR-DSF survey, 1999.

Generally speaking, the schedule for antenatal monitoring is not kept to and most women are late in attending for the first compulsory consultation. However, 76.05% of women who had given birth had attended at least three antenatal consultations during pregnancy. Several women had not been properly monitored during pregnancy.

Table 72
Antenatal monitoring by geographical area and by year

	1992		*1999*	
Geographical area	*Average number of CPN*	*At least 2 CPN*	*Average number of CPN*	*At least 2 CPN*
Brazzaville	3.8	88%	3.21	82.39%
Pointe Noire	3.5	96%	3.92	88.92%
Secondary urban centres	3.6	87%	-	-
Rural areas	2.9	77%	-	-
Average	**3.4**	**81%**	**3.56**	**85.65%**

Source: MSR-DSF survey report, 1999.

Where the start of monitoring has been delayed, the number of compulsory consultations is reduced to two (in the 6th and 8th months of pregnancy). 82.39% of pregnant women attended at least two consultations in Brazzaville and 88.92% at Pointe Noire.

Although these figures are relatively high, they reflect certain disparities and are lower than those recorded in the same two cities in 1992 (analysis of the situation of

women and children, 1992). This implies a growing proportion of women who have not been properly monitored. The slackening may be more marked in rural areas, already underprivileged compared with the cities, where the proportion of pregnant women monitored was relatively low.

Anti-tetanus coverage

Anti-tetanus vaccination forms part of the preventive care dispensed to pregnant women. During pregnancy, a woman must receive two doses of vaccine at an interval of one month, followed by three booster doses at intervals of one year.

Table 73
Women vaccinated during pregnancy

City	*Not vaccinated*	*1 dose*	*2 doses*	*Total*
Brazzaville	126 (18.64%)	52 (7.69%)	498 (73.67%)	676 (100%)
Pointe Noire	66 (11.60%)	70 (12.30%)	433 (76.10%)	569 (100%)
Average	**15.12%**	**10%**	**74.88%**	**100%**

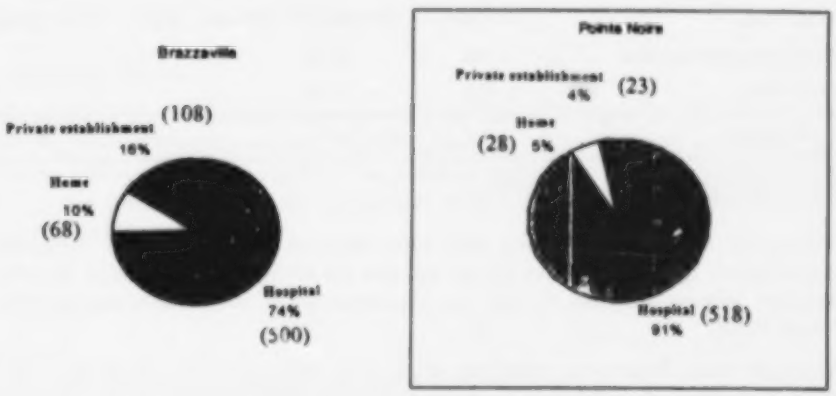
Source: MSR-DSF survey report, 1999.

Most mothers have been immunized during their pregnancy: 73.67% in Brazzaville and 76.10% in Pointe Noir. However, a significant percentage of mothers did not receive anti-tetanus vaccination: these were mostly women who did not receive adequate follow-up care during their pregnancy.

D. Place of confinement

The health system recommends that confinements should take place in a medical environment, viz. a maternity hospital or an adequately equipped health centre, in the presence of a trained agent of the health service.

Figure 4
Confinements: breakdown by place (MSR-DSF survey report, 1999)



The majority of confinements (91% at Pointe-Noire, 74% in Brazzaville) take place in the maternity departments of public hospitals.

The high proportion of confinements at private establishments in Brazzaville is due to the fact that a larger number of such establishments exist in that city and that mothers find the service they offer more satisfactory (the way patients are received, availability of medicines, cleanliness, etc.).

It should also be noted that many mothers not covered by the antenatal service prefer to give birth at private health establishments where they need only pay the costs of confinement, which they find cheaper. Unfortunately, some of these establishments are not officially recognized, which may mean that their users are exposed to dangerous practices.

Home confinements are often practised by adolescents and by older mothers, especially poorer women not covered by the antenatal service. There are more cases in Brazzaville, where the home confinements rate runs at 10%, a figure close to the national average of 11% recorded in 1990 (cf. national survey on vaccination coverage, 1990). The rise may be due either to changing preferences among the mothers or to the genuine physical inaccessibility of maternity hospitals. At Pointe-Noire, the home confinements rate is only 5%.

E. Assistance during confinement

Table 74
Assistance during confinement

City	*Family member*	*Unspecified personnel*	*Matron*	*Doctor*	*Midwife*	*Total*
Brazzaville	6.80% (46)	9.62% (65)	1.04% (7)	7.69% (52)	74.85% (506)	100% (676)
Pointe Noire	5.62% (32)	6.33% (36)	1.58% (9)	4.40% (25)	82.07% (467)	100% (569)
Average	**6.21%**	**7.98%**	**1.31%**	**6.04%**	**78.46%**	**100%**

Source: MSR-DSF report, 1999.

In the majority of cases, women are attended during confinement by qualified staff, viz. a doctor (6.04% of cases), a midwife or obstetric male nurse (78.46%) or a matron specially qualified in midwifery (1.31%), depending on whether the confinement takes place at a health establishment or, in some cases, in the home.

A small proportion of women give birth in the presence of an untrained person, who may be a family member (6.21%) or someone in the category of "unspecified personnel" (7.98%). The latter may belong to a first-aid or home help service.

The opposite trend may prevail in rural areas, where qualified health staff is in short supply.

F. Post-natal consultations

After each confinement, the mother must present herself for post-natal consultations, at which her state of health will be checked and contraception methods will be discussed. The first consultation takes place on the 15th and the second on the 45th day after confinement.

Post-natal consultations are not a common practice; they have involved only 25% of mothers in Brazzaville and 15% at Pointe-Noire. The mothers who attend are generally those who have had a difficult confinement, especially by Caesarian. Most mothers seem to be unaware of the existence and importance of these consultations, of which they have never been informed.[7]

G. Family planning services

The Act of 31 July 1920 prohibiting abortion and the advertising of contraceptives is still in force in our country. It constitutes a legal impediment to family planning.

Article 317 of the Criminal Code penalizes abortion in the following terms:

> "Whosoever shall have caused or tried to cause a pregnant woman or a woman believed to be pregnant to abort by means of food, drink, medicine, violent handling or by any other means, whether or not with that woman's consent, shall be punished by imprisonment of one to five years and a fine of 120 000 to 2 400 000 francs CFA. If it is established that the convicted individual has habitually engaged in the acts referred to in the preceding sentence, the fine shall be of 1 200 000 to 4 800 000 francs."

Practice in this field is, however, considerably in advance of the law. Since 1982, the health services have conducted family planning-related activities and within that framework have carried out a number of projects with a view to training service providers and supplying contraceptives and other equipment. These activities are aimed at spacing out births and take the form of distributing contraceptives free of charge or selling them at a low price. Today, these activities are incorporated in most health services in the cities, but contraceptives are rare and relatively expensive if bought at the pharmacy. For their part, associations and NGOs are making an appreciable contribution towards raising the population's awareness in this field.

The contraception rate is unfortunately very low, being estimated at 3% countrywide. There are many cases of clandestine abortions, often with tragic consequences. A study conducted in Brazzaville and at Pointe-Noire in 1999 revealed that only 19% of mothers in the former and 25% of mothers in the latter city practise a natural or modern method of contraception. The percentage of women agreeing to practise contraception is slightly below that of women who have attended a post-natal consultation.[8]

These rates, already low, could drop to an even lower level owing to social and cultural factors (the "pro-life" trend, prejudices against contraception), the fact that family planning activities are not practised at all health centres, the high cost of contraceptives and the shortcomings of the post-natal consultation system.

The results of a survey conducted by DSF in 1994 among three socio-professional categories of women in the 15-49 age group (students, State employees, shop assistants) reveal that 45% of women use oral contraception (the pill), 24% use injectable contraceptives, 18% use the so-called "safe" method and 0.9% use condoms.

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[7] *Source*: MSSAH, DSF, UNICEF. Report: Study on risk-free motherhood – present situation and prospects. 1999, 25 pages.

[8] *Source*: op. cit.

Prescriptions for contraceptives are issued principally by midwives (35%), followed by doctors (22%) and other health personnel (4%). Self-medication is practised in 35% of cases. The low rate of contraception means that women are exposed to the risk of unwanted pregnancies and clandestine abortions with their attendant complications.

H. Cancers of the genital tracts

Cancers of the genital tracts occupy a very important place in the gynecological practice of Brazzaville's Central University Hospital (CHU). In the period from 1982 to 1995 they accounted for 37.92% of cases registered. In women, they are cancers of the vulva, the vagina, the cervix, the Fallopian tubes and the ovaries.

Cervical cancer is the first cause of female mortality due to cancer in the Congo (27.14%), followed by breast cancer (17.5%). The number of cervical cancer cases in women under 30 is rising, especially in forms associated with HIV (4.24% of cases). Since we have no programme of cancer detection by cervico-vaginal smear, it is impossible to make an early diagnosis and difficult to apply a maintenance treatment in many cases.

I. Violence against women

Violence in all its forms has serious consequences for women's health. In the Congo, violence against women is partly rooted in the system of relations between men and women. While our Basic Laws recognize the equality of the sexes, custom proclaims the superiority of men over women.

The violence recorded can assume physical or psychological form. It is exercised within the family circle and in society. Violence at home tends to become accentuated during pregnancy. An appreciable increase in the number of cases of sexual violence was recorded in connection with the armed conflicts of the last few years.

The precise situation with regard to this phenomenon is difficult to gauge because of the taboo character of the subject and the inadequacy of statistics issued by social and health establishments. Moreover, no publications dealing with these matters are available for the period that preceded the conflicts. The victims, ignorant of their rights, retreat into silence.

A qualitative study (by the Focus Group with Women Victims of Violence) reveals that cases are to be found in all age groups. The forms most frequently mentioned are rape, sexual harassment and sexual abuse.[9]

[9] *Source*: Report on maternal and infant health and family planning. Focus Group with Victims of Sexual Violence. 1998, 4 pages.

Table 75
The situation as regards sexual violence

Locality and period	*Number of cases recorded*	*Number of pregnancies*
Brazzaville (May-December 1999)	1 601	158
Pointe Noire (March-September 1999)	435	35

Source: IRC and DSF reports, 1999.

These figures, obtained from health establishments in Brazzaville and at Pointe-Noire, show that sexual violence is a real problem, but do not reflect its full scope countrywide.

A few centres offering psycho-clinical assistance to victims are operating in Brazzaville. In other regions assistance is only partial since the psycho-clinical element is not included. Thus it can be said that the majority of victims have no access to qualified services.

The risk of pregnancy resulting from rape, as well as that of possible HIV contamination, is a source of serious concern for the victims.

Congolese law on violence provides for the conviction of the perpetrator. For example, rape is a crime punishable, in principle, by 15 years' imprisonment (5 to 10 years in the past). The penalty can be increased under certain circumstances that may relate to the consequences of the violence, the status of the victim or the perpetrator, or the nature of the crime.

J. HIV/AIDS infection

Infection with HIV/AIDS is one of the principal causes of death in the Congo (35.5% of deaths in the 15-45 age group).[10]

The HIV-1 positive rate in Brazzaville was estimated at 7.8% . Among women prostitutes it varies between 30 and 64%. It is 10% among blood donors, 17% among persons suffering from STD, 34% among those suffering from TB and between 5 and 10% among pregnant women. In rural areas, the rates are still negligible, but in urban and suburban areas they are increasing rapidly, thus constituting a threat to the population.

Outpatient treatment centres (CTA) for AIDS patients exist only in Brazzaville and at Pointe Noire.

Efforts to raise the population's awareness and to encourage the use of condoms are being made as part of the National Programme for AIDS and STD Control and through the inclusion of activities under that Programme in the work of hospital outpatient and in-patient departments. The setting up of local branches of the Brazzaville National Blood Transfusion Centre is intended to improve the safety of blood transfusions and to reduce the prevalence of the disease.

[10] *Source*: National Programme for AIDS Control. *Epidemiological Surveillance Bulletin*, VIN/MST. No. 7-01-1997.

K. Nutrition

The diseases due to inadequate nutrition are: malnutrition, iodine, iron, vitamin A and folic acid deficiency, and diseases arising from excessive weight. It should be noted that iodine deficiency can result in serious conditions, goitre being the most visible among them. Other well-known manifestations are:

- Congenital malformations;
- Recurrent miscarriages;
- Premature confinement;
- Insufficient birth-weight;
- Cretinism (mental backwardness);
- Various handicaps such as deafness, paralysis, strabismus etc.;
- High maternal and infant mortality rates.

All these have nationwide consequences in terms of education (scholastic backwardness) and the economy (reduced production capacity in adults).

In the Congo the situation can be described as mildly endemic. According to a national survey conducted in 1997, only 10% of all schoolchildren have a goitre. The situation is, however, more worrying in the Likouala region (19.2%), the West Basin (15.4%) and in the Songa (13.3%). In some areas, such as Dongou-Berandzoko and Dongou-Macac, the figure reaches 30% and more.

The women's low social, economic and cultural level operates in favour of the consumption of contaminated food or food of poor nutritional value. The recent wars, too, have exercised a most harmful effect in terms of food safety, especially with regard to displaced families. A significant number of cases of severe malnutrition have been observed among women.

Energy deficiency in women, measured by a body mass index of less than 18.4, is increasing. In Brazzaville the proportion of severely underweight women almost doubled between 1986 and 1996; in the countryside, it rose from 11.1 to 14.2% between 1987 and 1994.

The proportion of obese women is 28.9% in the towns. In rural areas it is generally less high, but in the regions of Lekoumou and the Basin it is reported to be 1.5 times higher.

Goitre is the most visible manifestation; a rate of 10% is observed in three-quarters of the population (14.5% of boys).

The anemia rate in pregnant women is 70%. It generally declares itself after the third month of pregnancy.

A nutritional survey conducted in 1999 showed that 70.6% of women in the Kouilu region had an acceptable corpulence; obesity is a problem that principally affects urban areas (18.9% of women at Pointe-Noire, as against 7.7% in the countryside). Excessive thinness is also more widespread among townswomen (12.8%) than among countrywomen (10.8%). As for the vitamin A status of women of

childbearing age, 6.9% of townswomen and 0.3% of countrywomen were found to be suffering from spots of Bitot.[11]

In rural areas of the North (Central Plateau and forest lands), 75.7% of the women have an acceptable corpulence, 9.2% are overweight and 15.1% underweight, with severe malnutrition at a negligible rate. 14.4% of women of childbearing age are affected by spots of Bitot and 4% by hemeralopia.

In Kouilu, as well as in rural areas of the North, women below 25 and over 54 years are the most likely to be underweight.

L. Drinking water supply and sanitation

1. Drinking water supply

According to a study carried out in 1996 as part of the Africa 2000 Initiative for Water Supply and Sanitation (AWSS), the water supply rate in urban areas is estimated at 69% and in rural areas at 11%. That means that a considerable part of the population has no access to drinking water and has to resort to traditional redistribution systems or to buying drinking water from neighbours and using rainwater for other purposes. In view of the high cost of such practices, water rationing becomes a necessity. The use of water that has been kept for a long time involves a risk of contamination.

Households on the outskirts of cities use traditional water sources, which are often polluted.

People in the countryside use river water, rainwater stored in barrels, and water from traditional wells and springs.

Except for a few well-kept sources, this drinking water supply is often polluted and serves as one of the chief causes of water-induced diseases. The average distance from a village to its drinking water source is between 500 m and 1.5 km, with differences in altitude of between 30 and 50 m. The situation is particularly difficult in the Batéké Plateaus.[12]

2. Sanitation

Some malfunctioning has been observed in the public services responsible for ensuring the salubrity of the environment. Several private initiatives are being developed.

Surveys conducted in Brazzaville in 1998 and 1999 reveal that only 17% households have septic tanks and that septic tanks account for only 14.4% of all sanitation units in use in the city.

Sewage disposal in Brazzaville and Pointe-Noire is based on an archaic drains network built before independence. Practically the whole of this system is no longer operational.

Women and children are responsible for fetching drinking water and for sewage disposal. They are, consequently, the first to suffer from environmental degradation.

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[11] *Source*: MSSAH, UNICEF, URNAH: Nutrition status of Congo's population (in preparation).

[12] *Source*: Jean-Michel Ossete: Children and Women in the Congo. Drinking water supply, sanitation and clean environment. UNICEF, 1998, 41 pages.

II. Constraints

The economic crisis and the social and political upheavals that have been besetting the Congo have considerably slowed down the implementation of activities for the protection and promotion of women's health. Effective implementation of article 12 of the Convention has not always been feasible.

Attention must also be given to other, no less important constraints pertaining to socio-economic, socio-cultural, health and legal aspects.

A. Socio-economic aspects

The economic crisis has caused major cuts in public spending. The State's disengagement from the health care sector has led to the development of direct billing practices in that field. Certain rates are regulated while others seem to be the result of local initiatives that may or not be subject to controls.

The pauperization of families and low purchasing power have made health care inaccessible to large numbers of women.

B. Socio-cultural constraints

Illiteracy, which affects nearly 64% of women in the Congo, taboos (especially concerning sexual matters), and traditional practices in the sphere of sexuality and procreation exercise a negative influence on maternal mortality. Ignorance of signs of complications in pregnancy, the "pro-life" tendency, and prejudices against contraception add up to a socio-cultural weight that contributes to the poor state of health of Congolese women.

We should also note the low level of women's participation in the management of health care at integrated health centres (CSI). Although they are the principal users of health services, women continue to be tied to retrograde customs and usage.

C. Constraints connected with the health system

Difficulties with the unblocking of credits have led to considerable deterioration of premises and equipment due to lack of maintenance and a practically total lack of consumable equipment and medicines, including contraceptives, obliging doctors to work exclusively on a prescription basis and thus making access more difficult.

Slowness in the implementation of the PNDS (coverage by rationalized CSI is still inadequate, only 50 out of 200 health centres planned for the country as a whole having been rationalized); failure to incorporate activities relating to certain components of reproductive health (e.g. sexual violence) in the work of health centres; poor care-giving performances due inter alia to insufficient training and poor motivation among health staff; and the practice of fining mothers who are late in attending ante-natal consultations - all these stand in the way of the utilization of health services.

Moreover, the execution of many health projects and programmes was brought to an abrupt halt by the wars.[13]

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[13] *Source*: Damase Bonzongo: Estimated health situation and future trends, DGS, 1998-1999, 29 pages.

D. Legal constraints

Certain laws, rules and regulations relating to women's health or violence against women have become completely outdated while others are full of lacunae or otherwise defective (e.g. the Criminal Code provisions on sexual violence). Moreover, the weight of custom, ignorance of laws favourable to women on the part of the women themselves, and the malfunctioning of the judiciary system form obstacles to women's exercise of their rights.

The Act of 31 July 1920 prohibiting abortions and contraception publicity is still in force in our country. It constitutes a legal constraint on family planning. However, the State (Ministry of Health) and the NGOs are ahead of the law and are promoting family planning.

III. On the plus side

The numerous steps already taken to promote and protect women's health in accordance with article 12 of the Convention include:

- The ratification of international conventions on health problems;
- The inclusion of references to health issues in the successive Basic Acts;
- The adoption of Act No. 014/92 of 29 April 1992 instituting the PNDS;
- The setting up of the Directorate for Family Health, which prepares and executes strategies relating to reproductive health (standards and procedures in the field of family health; national reproductive health strategy);
- Free anti-tetanus vaccinations for women of childbearing age and for pregnant women; low-cost contraceptives;
- The enactment of laws condemning violence against women;
- The rationalization of ante-natal consultations and the incorporation of reproductive health in the minimum package of CSI activities, resulting in a reduction of the costs of ante-natal monitoring and of confinements;
- The establishment of the National Centre for the Purchase of Essential Medicines for the purpose of supplying medicines to the population at reasonable cost, and the inclusion of contraceptives in the list of essential medicines;
- The execution of certain specific projects relating to women's health (risk-free motherhood project, sexual violence project);
- The opening of two out-patient centres for the treatment of AIDS victims, a national blood transfusion centre and two regional centres where women can receive transfusions of blood that has been tested and can be treated for AIDS at reasonable cost;
- Partnership with NGOs and associations working in the sphere of health;
- Many forms of support from international organizations (WHO, UNFPA, UNDP, UNICEF, etc.).

Acts Nos. 45/75 of 15 March 1975 and 06/96 of 6 March 1996 setting forth the Labour Code provide inter alia as follows:

Article 113: "A pregnant woman whose condition has been medically attested may leave her work without giving notice and without having to pay a fine for breach of contract. She is entitled to free medical care at the expense of the CNSS."

Article 114: "Employing a woman during the 15 weeks of maternity leave provided in the preceding article shall be prohibited."

Article 115: "During a period of 15 months after confinement, a mother shall be entitled to rest periods for breast-feeding."

The following family benefits are provided in article 38, Chapter 1, of the Social Security Code:

- Ante-natal allowance;
- "Young family" or "new baby" allowance;
- Family allowance;
- Daily maternity benefits and care in accordance with article 113 of the Labour Code;
- Benefits in kind and any other allowances that may be provided by law.

Articles 39 ff. make it clear that only workers who are covered by the social security system instituted by law, and who can prove having been in paid employment for a period of 6 consecutive months, or having worked for a minimum of 20 days or 130 days, are entitled to claim family benefits.

The right to family benefits is open to all wage-earning women or women married to wage-earning men. Benefits are due for the full 9 months of pregnancy up to the confinement, provided the pregnancy has been medically attested and declared (with a medical certificate) in the early months.

The amount of the allowances is the same whatever the level of remuneration.

From these provisions it can be inferred that women or couples employed in the unofficial sector do not receive antenatal allowances. This is discriminatory and can, to some extent, limit women's access to maternity care.

All women without distinction as to socio-professional status ought to be entitled to antenatal allowances or any other form of social coverage for health care in connection with pregnancy and confinement. This would guarantee improved access to health services for women.

Except for family benefits as described above, social coverage of the population in general, including women and the aged, is weak. Health insurance does not exist and no systematic health checks are carried out.

Section II
Social security in the sphere of health

Directly after the proclamation of independence, Congo's public authorities demonstrated their concern with guaranteeing social benefits to the workers. Decrees Nos. 60/29 and 60/30 of 4 February 1960 and No. 60/264 of 15 September 1960 set up a new system of civil and military pensions.

Later, Decree No. 84/891 of 12 October 1984, amended by Decree No. 97/447 of 19 August 1987, established the Civil Servants' Retirement Fund (CRF), whose tasks included social and health-related action on behalf of retirees and their families.

Act No. 04/86 of 26 February 1986 set up the National Social Security Fund (CNSS), to which all workers governed by the Labour Code, as well as assimilated categories of workers, are required to contribute. One of the activities of CNSS consists in the management of family and maternity allowances.

At present, these two institutions, placed under the authority of the Ministry of Labour and Social Security, are responsible for dealing with social benefits. They also operate the compulsory saving system through which active workers and employers finance retirees' pensions.[14]

Section III
Conclusion

The health and social security situation reveals the precariousness of the state of health of Congolese women. Implementation of article 12 of the Convention is meeting with difficulties. Constraints include women's insufficient access to health services, inadequate resources and a general malfunctioning of health and social security services. The objectives of article 12 cannot be effectively attained without an improvement of those services, on the one hand, and without a real increase in women's purchasing power, on the other.

The achievements listed on the plus side testify to the Government's efforts to promote and protect women's health. In order for better results to be achieved in the future, the following prospective action should be envisaged:

- Continued implementation of PNDS;
- Efforts to enhance the population's awareness of women's health and related issues;
- Implementation of the National Reproductive Health Strategy;
- Review of laws relating to women's health (the 1920 Act, legal provisions on violence, etc.);
- Review of the National Social Security Code;
- Popularization of the Convention;
- Promotion of income-generating activities as a means of increasing women's purchasing power;
- Improving women's educational level;
- Consideration of women's health aspects in the development of the drinking water supply and sanitation project (AEPA) and the clean environment project;
- Rehabilitation of demographic and health surveys (EDS);
- In cases of HIV/AIDS infection, informing couples about their state of health;
- Providing services for handicapped women at health centres and hospitals.

[14] *Source*: op. cit.

Chapter XIII
Women's economic and social rights (article 13)

Article 13

"States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life."

The participation of women in industrial, commercial, formal and informal activities remains limited. They are engaged mainly in commercial and agricultural activities in rural areas.

The informal sector is the sector of choice for women, who represent 64% of the workforce. They, however, face a number of difficulties, including the absence of a legal and regulatory framework as well as unfair competition.

Section I
Right to family benefits

Article 212 of the General Civil Service Statute provides that all State agents shall be entitled to social security coverage and to a retirement pension as defined by the Civil State Pensions Act.

We must point out that the social security system in the Congo is not yet performing all its allotted tasks. At present, it still confines itself to pensions. Family benefits are made up of family allowances and supplementary child allowances, which vary depending on the number of children.

Housewives (women not in paid employment) and women living in rural areas therefore have no claim to any benefit or other subsidy by way of social security – unless they are widows of wage-earners or State agents eligible for widows' pensions or family benefits.

Section II
Right to bank loans, mortgage loans and other forms of financial credit

Women's access to financial credit is not facilitated by the rigid approach adopted by the banking sector, which obliges them to turn to traditional financial institutions — in other words, to usurers. Women often have recourse to bank loans, tontines and "mobikissi" (ambulant moneylenders).

Most women who run a small business do not keep books and cannot produce either a statement of accounts or an advance operating account.

Bank credits are granted only upon presentation of a wage slip, a trading certificate, an advance operating account and a contribution of at least 20%, which disqualifies most women and forces them to seek help from more flexible financial institutions better adapted to their level and requirements.

Among the many constraints on women, mention must be made of the following:

- Rigid approach of the banking sector;
- Women's lack of training in management and bookkeeping;
- Absence of a legal framework and of regulations in the micro-financing sphere.

To overcome these obstacles, a project of "support to women in the unofficial sector", executed with UNDP support, was initiated in 1993 and resulted in the creation of credit machinery adapted to women's funding requirements.

Two pilot savings and credit funds for women were established at Brazzaville and Minduli under the project. The success of this initiative led to the creation of other women's funds. Eventually there were ten such funds with around 2000 accounts countrywide. The funds worked like mini-banks in which women could deposit their savings and obtain credits. The reimbursement rate was good (nearly 100%).

The 1997 war destroyed all this, but since 1999 activities have been resumed under the auspices of UNDP and the Government within the framework of project PRC/008/98 for equality between men an n women. Today, the country has 17 women's funds which collect women's savings and offer them small-scale financing to launch their activities.

Attention must be drawn to the recent establishment of a proper women's bank, a company created for the express purpose of assisting the development of women's micro-projects. This institution has been created by a woman.

The development of human resources and the struggle against poverty are priority items on the Government's agenda. Since 1998, a large part of the State budget has been allocated to the plan of action connected with the advancement of women policy. In 2001, PID ("Promotion of Diversified Investments") allocated a sum of 599 000 000 CFA francs for financial support to women's activities.

The State, in its role as facilitator and regulator, is in process of setting up a consultative framework to prepare new laws and regulations to govern micro-enterprises and machinery for their support. There are still too many obstacles to the development and advancement of women's activities.

Section III
Right to participate in recreational activities, sports and all aspects of cultural life

The public authorities in the Congo guarantee the possibility of participation in sports and leisure activities to men and women. The right of women to participate, on an equal basis, in recreational activities, sports and all aspects of cultural life is

recognized by the Basic Act, the Family Code, the Social Security Code, the Labour Code and conventions on the rights of women and girls.

I. Cultural activities

Congolese women participate very actively in cultural development. Women occupy an effective place in all spheres of culture and the arts: literature, music, theatre, plastic arts, etc. For many years, women have contributed fully to the rehabilitation of the Congo's cultural heritage. Their participation in sculpture, painting and ceramics is, however, limited.

II. Schooling

Girls and boys enjoy the same opportunities of access to education from pre-school to university level. However, the high female dropout level from secondary school and university, due to the early accession of many girls to the status of mother and head of a family, is to be deplored.

III. Sports

The Republic of the Congo is one of the African countries whose international prestige in the field of sports has been enhanced by the performances of its young women. Congolese girls participate actively in handball, the Congo's women's team being among the best in Africa, as well as in volleyball, tennis and football. Their participation in martial arts is increasing.

These sports are practised all over the national territory, but especially in the major urban centres. Other sports such as judo, weight putting, javelin throwing and swimming are less developed, partly because of lack of popularity with the girls themselves and lack of suitable facilities, but not by reason of any form of exclusion or prohibition.

Women in the Congo, both young and adult, have access to all sports and cultural activities in accordance with their physical and intellectual potential, without any discrimination whatever and with training and supervision provided by Government services.

Section IV
Prospects

The following prospective action can be envisaged:

- Establishment by the Government of a consultative framework to prepare laws and regulations for micro-enterprises and their support structures;
- Organization of IEC campaigns on subjects pertaining to savings and credit;
- Support for the extension and financing of women's funds in all regions of the Congo.

Chapter XIV
The situation of rural women (article 14)

Article 14

"1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications."

Section I
The general context in rural areas

The general context in rural areas of the Congo is characterized by:

- Great poverty of the population;
- Massive drift from the countryside;
- Considerable technological backwardness;
- Poor communications;
- Unreliable marketing facilities;
- Difficulties of access to drinking water and energy sources.

I. Population

Women account for 52% of the Congo's population and for 46% of the workforce (64% of the agricultural workforce in rural areas). They produce nearly 80% of the foodstuffs consumed.[15]

According to the 1984 census, the population of the urban centres was composed of 50.1% men and 49.9% women, as against 48.7% men and 51.3% women in the countryside. The table below bears out these figures.

Table 76
Resident population: breakdown by gender

Geographical area	*Men, %*	*Women, %*	*Population*
Urban	50.1	49.9	992 097
Rural	47.0	53.0	917 751
Whole country	48.7	51.3	1 909 248

Source: General Population and Habitat Census, 1984 (RGPH 84).

II. Drift from the countryside

The Congo is a heavily urbanized country; 57% of the population live in towns. This is due to the massive drift from the countryside experienced for several decades.

Between 1972 and 1984 the number of villages fell from 6 092 to 4 551. In the space of 12 years, 25.3% of rural localities – 154 villages a year, or a village every other day - vanished from the face of the earth. In 1997, 1 in 5 of the population was economically active in the countryside. The projection for 2000 was 1 in 11.

This drift from the countryside has as its corollary the ageing of the agricultural population throughout the national territory. The result is that 69% of all farms is operated by persons (of both sexes) aged between 40 and 70. Yet Congo's population is a young one, 65% of the total being aged less than 25 years.

The agricultural population is generally declining. In 1974 it represented 62.1% of the total population; by 1984 it had dropped to 48.9%, and in 1994 it amounted to only 38.2%.[16] The drift from the countryside is the result of a national policy that discouraged young people from settling in rural areas. The young think that work on the land is both arduous and boring. Entertainments are few and becoming even fewer, and lack of communications is turning the countryside almost into hostile territory.

In addition to these factors connected with rural living conditions, another reason for the ageing of the rural population is the enrolment of country children in the schools system.

The Government's voluntaristic schooling policy was reflected in school enrolment rates of nearly 100%. But this policy was not accompanied by all the measures necessary for the development of the country as a whole and, in particular, of the hinterland. It failed to accentuate vocational and technical training, which might

[15] *In*: Women in Agriculture and Rural Development, FAO, 1994-1995.
[16] *In*: Principal lines of agricultural policy, July 1998.

have engendered small-scale crafts of various kinds. It focused exclusively on general education, producing school-leavers who could see a future for themselves only in State service. It attracted the young massively to the cities, where they could hope to complete their studies. They never wanted to return to the countryside, where there was nothing for them to do. For all these reasons, the countryside found itself deprived of healthy young manpower.

Note, however, that, after the massive drift from the countryside in the period 1973-1986, a back-to-the-land movement appears to have begun owing to diminishing employment possibilities in the towns. This movement has become more pronounced since the wars of 1993 and 1997.

III. The economy

For years, agriculture was declared a "priority among priorities" in the hope of achieving self-sufficiency in food production. This was reflected in a major commitment to the agricultural and stockbreeding sector on the part of the State. This commitment took the form of the creation of large State agricultural enterprises, all of which, unfortunately, are today bankrupt despite repeated attempts to rescue them.

Congolese agriculture is characterized by the predominance of a low-productivity peasant sector structured in family farms and hereditary lands, occupying 70% of the country's arable land (estimated at 230 000 hectares) and producing 98% of domestic produce and the near-totality of crops for export.

The agriculture practised in the peasant sector is traditional, based on shifting crops using the slash-and-burn systems, crop association and long fallow periods (2 to 4 years in the savannah and 4 to 10 years on forest land).

Between 1978 and 1990 the arable land utilization rate fell from 2 to 1.4%, the average area per active individual diminishing from 0.53 to 0.49 hectares and the number of smallholdings from 200 000 to 190 000. In the period from 1960 to 1990, the number of mouths to feed (non-active individuals) rose from 4 to 10.

The means of production employed are rudimentary, with the consequence that outputs are low and production levels such as to generate only very low incomes. The scattered location of smallholdings makes it difficult for development support services to intervene. Popularization of more modern techniques and marketing of produce are likewise difficult.

For all these reasons, agriculture accounted for less than 8.3% of the Congo's GDP in the period from 1985 to 1990 (12% in 1994-1995) and, notwithstanding its human resources and large available areas of arable land, food self-sufficiency has not been achieved. Poverty is becoming accentuated and the gap between town and country is widening.

IV. Technological backwardness

Congo's agriculture is characterized by the use of archaic tools that make it impossible for the farmer to enlarge his smallholding. Techniques are rudimentary: slash-and-burn followed by a long fallow period. The use of crop inputs is marginal (only 3.5% of farms). Improved seeds (44.8%) and phyto-sanitary products (30.0%)

account for three-quarters of the inputs used. Fertilizer accounts for 24.3%.[17] Such is the context of the life of Congolese rural women.

Women are the mainstay of agricultural production in terms of numbers as well as of their role. They account for approximately 64% of the active agricultural population. The degree of men's participation seemed to depend largely on the commercial value of the activity practised. When a "woman's crop" becomes economically viable, it also becomes attractive to men, who begin to play an increasingly active role in the production and marketing of, say, cassava in areas with a high income-generating potential.

A better understanding of the situation of rural women requires analysis of many different indicators.

V. Participation in decision-making

The participation of rural women in decision-making within the family and in society remains limited, for several reasons:

- The weight of tradition, which places the man at the head of the family and relegates women to a position of subservience;
- Illiteracy and lack of training among women, which reduce their capacity for action;
- Lack of financial resources, which reduces their role to that of secondary partners;
- Overwork due to their multiple roles as mothers, wives and agents of development, which leaves them no time to think about larger social problems.

A considerable IEC effort is being made by regional directorates for the advancement of women, now in process of being established.

VI. Access to adequate services in the sphere of health

The public authorities have taken steps to bring the health services closer to the population – and hence to rural women – within the framework of the National Health Development Plan (PNDS) by setting up Integrated Health Centres (CSI).

Nutritional education programmes have been undertaken. But the deterioration of the national economic fabric, further aggravated by structural adjustment programmes and the wars the country has known between 1993 and 1999, have brought all these efforts to nought.

Efforts to make the population aware of problems connected with sexual health, reproductive health and family planning as well as STD/HIV/AIDS is being done in rural areas, although their scope has been limited by the conflicts.

Generally speaking, rural women, by reason of their extreme poverty, do not have easy access to quality health care. The insufficiency of health equipment in the hinterland is deplored.

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[17] *Source*: Adapted from Agricultural Output Per Surface Area Survey (EASP), 1990.

VII. Social security programme

The social security system covers very few people in the Congo. Only persons employed in the public and private sectors are eligible for certain benefits, in particular family allowances, which means that the rural population is not covered.

VIII. Access to education and training

In Congo there is no discrimination between men and women as regards access to the educational system and vocational training. However, the female school dropout rate is higher than the male rate, for the following reasons:

- Early marriage;
- Frequent and unwanted pregnancies;
- Domestic overwork.

These causes assume greater importance in the countryside, where the influence of custom and usage is greater. The female illiteracy rate is also higher in rural areas. Rural women live, as it were, in a state of submersion and have but few opportunities for training or for contacts with the outside world.

A programme of improved seeds, conducted among women multipliers with the assistance of the Centre for the Popularization of Agricultural Techniques, was working well but unfortunately had to stop owing to the armed conflicts. Women farmers in "peri-urban" areas (on the outskirts of towns) have a slightly better access to training.

Women remain the largest group affected by illiteracy, accounting for 62% of the country's illiterate population. The figure for rural women of more than 15 years of age who can neither read nor write is even higher (67.8%).

IX. Organization of mutual aid groups

Attempts to organize women in pre-cooperative groups have not met with a great deal of success in the Congo. But traditional mutual aid groups – labour exchanges of sorts – still exist. Their purpose is mutual aid in the sphere of work. The setting up of associations and NGOs on the basis of the 1901 Contract of Association Act should be noted. Although these groups lack experience, training and dynamism, they deserve to be encouraged.

X. Women's participation in community activities

Generally speaking, rural women can participate in the management of the village community. But because of their multiple responsibilities as producers and in the home, they are often absent from the centres of management. In any case, the man is the head of the family, as article 152 of the Family Code proclaims.

Nevertheless, the role of women continues to be crucial to the equilibrium and the functioning of the family and, by that token, of society. The same is true of women's role in food production.

XI. Access to resources

Rural women have limited access to production resources.

A. Access to land

While women account for 60.4% of the agricultural workforce, they own only 25.5% of smallholdings.

A majority (70.4%) of these 25.5% is made up of unmarried women (single, divorced or widowed).

Table 77
Agricultural smallholdings: breakdown by area and by gender

Region	*Men, %*	*Women, %*	*Workforce*
Niari	78.1	21.9	16 851
Lekoumu	74.8	25.2	11 720
Bouenza	69.9	30.1	25 074
Pool	63.6	36.4	31 650
Plateaus	92.5	7.5	17 081
Basin	77.9	22.1	20 350
Sanga	79.9	20.1	5 777
All regions	74.5	25.5	128 303

Source: Survey of agricultural production by surface area (EASP), 1990.

Optimum productivity is predicated upon access to land of adequate quality and sufficient quantity. In the Congo, a woman can acquire to land through one of the following channels:

- Matrilineal or patrilineal filiation. The head of the lineage, generally a man, decides how land should be allocated;
- Marriage: at the husband's request, the head of the lineage may allocate land to the wife;
- Rent: through payment of land rent, which varies depending on the nature of the land (2 000 FCFA or more for a piece of land from 0.25 to 0.50 hectares in size);[18]
- Purchase: this is a relatively recent method not yet widely used by women.

It will be seen that, unless a woman is the head of a lineage, she has to apply to a man in order to acquire land. In any event the head of the lineage will keep the best land for himself, leaving land of lesser quality to the others.

B. Access to credit services

The formal banking sector (commercial and development banks) offers few possibilities of access to women because of constraints connected with conditions of credit. Other forms of savings and credit have therefore been created to benefit the poorest strata of the situation. We are referring to the Women's Savings and Mutual Credit Funds (CFECM).

[18] SEP Development, op. cit.

The pilot CFECM, financed by UNDP in 1992 as part of project PRC/90/002 entitled "Credit System for Women in the Unofficial Sector", were designed to help women micro-entrepreneurs in urban and peri-urban areas to mobilize their savings and obtain credit. This action was targeted at women who normally use informal saving methods (tontines, refunds, etc.).

The satisfactory results achieved by these funds (cf. table 73), with a reimbursement rate of 100%, in the years 1994 to 1996 aroused the interest of women in other places. Several funds have been established in Brazzaville and in the interior since 1999. The funds have received financial and technical support under project PRC/98-08 "Promotion of equality between women and men" in 2000-2001. In the same period, the Government allocated a million FCFA to women by way of " Diversified Investment Provision" (PID).

Table 78
Credits granted by the National Women's Savings and Mutual Credit Fund

Year	*Credit funds*	*Origin of the funds*	*Number of women beneficiaries*	*Total amount of credits*	*Reimbursement rate*
1993	5 400 000	UNDP	63	5 400 000	100%
1994	37 000 000	UNDP	163	28 260 000	97%
1995	-	UNDP	15	3 570 000	100%
1996	-	UNDP	109	28 200 000	-

Source: Report on activities of CFECM.

XII. Living conditions of rural women: housing, electricity and water supply, transport and communications

In June 1995 the Congo adopted a National Programme of Environmental Action, which serves as a reference framework for sectoral action. Environmental problems such as the deterioration of forest ecosystems resulting from the demand for firewood or soil degradation due to adverse weather conditions and agricultural soil-burning practices are a contributory factor in the worsening health situation of women and children.

The majority of the population does not have access to drinking water, energy sources and minimum hygiene conditions. In rural areas the rates of access to drinking water and to sanitation infrastructures are, respectively, 8 and 9%.Habitat is spontaneous. Women who are responsible for ensuring their families' environmental hygiene and sanitation cover great distances in order to fetch water, but their supply sources are often polluted, causing all sorts of diseases.

The problem of communication channels, often extremely antiquated, is partly responsible for the disorganization of marketing circuits.

All these factors cause food insecurity in rural households characterized by the poor nutritional state of mothers and children.

Generally speaking, the situation of women as regards economic activity varies considerably. Women in rural areas work more than men (55.9% of jobs are filled by

women), whereas in urban areas they do not have ready access to employment (32.5% of urban jobs, as against 67.5% jobs held by men).

Section II
Constraints

The gender-differentiated analysis of the country's main agricultural production systems, carried out as part of FAO project TCP-PREC/4452 "Support to the advancement of women and their integration in rural development", as well as the report on the evaluation of the implementation of the Beijing and Dakar platforms (1999), reveal a number of constraints which limit the participation of women in rural development.

These constraints are economic, socio-cultural, environmental and institutional.

I. Economic constraints

– Difficulties in the marketing of produce:

• Poor state of roads and tracks;

• Irregularity of means of transport;

• Lack of organized commercial circuits.

– Low agricultural outputs:

• Insufficient quantity and quality of seeds;

• Rudimentary tools.

– Difficulties of access to credit/ lack of credit;

– Post-harvest losses due to:

• Difficulties with conserving produce;

• Lack of storage infrastructures.

II. Socio-cultural constraints

– Precarious health conditions;

– Sociological and psychological barriers, weight of tradition;

– Illiteracy, inadequacy of the educational system;

– Overwork;

– Early motherhood, frequent and unwanted pregnancies;

– Reluctance to engage in cooperative activities, lack of family stability.

III. Environmental and institutional constraints

– Destruction of forests / degradation of the ecosystem;

– Long distances between dwellings and fields;

- Difficulties in obtaining water by drilling / long distances to drinking water sources;
- Local popularization services not operational or non-existent;
- Insufficiency of social and health structures, PNDS not operational;
- Insecurity of land tenure / land ownership problems;
- Anarchic tax collection (unofficial sector), etc.

Section III
Prospects

Priority action taken with a view to improving the living conditions of rural women should include the following:

- Re-launching functional literacy campaigns in the countryside;
- Supplying improved seeds to groups of women farmers;
- Supporting community afforestation efforts;
- Supporting the mobilization of savings and the creation of credit facilities for women;
- Maintaining and reopening agricultural tracks (this can be executed by NGOs and by the population itself);
- Organizing marketing circuits and local markets;
- Water supply: building rainwater cisterns, providing standpipes;
- Women's participation in the work of health committees;
- Resumption of training of village midwifery assistants;
- IEC campaigns and mobilization on subjects connected with improving the living conditions of rural women.

Chapter XV
Equality of men and women before the law (article 15)

Article 15

"1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile."

Section I
Equality of men and women before the law

Equality of the sexes is a constitutionally guaranteed principle. The preamble to the Basic Act refers to the Universal Declaration of Human Rights of 10 December 1948 and to the African Charter on Human and People's Rights, which enshrine the legal equality of men and women. Equality is also included among the foundations of the new political order to be established. Everyone's participation in the life of the nation must be guaranteed. Title II of the Basic Act, dealing with fundamental rights, sets forth this principle in its article 14.

Article 14

"All Congolese citizens shall be equal in law. Any act that grants privileges to nationals or limits their rights by reason of ethnic or regional origin, political or philosophical opinion, religion, sex or physical status shall be deemed contrary to the present Basic Act and shall be subject to the penalties provided by law."

This constitutional principle determines the contents of subordinate laws, which must respect it or be declared unconstitutional. Equality of the sexes entails the recognition of the legal capacity of women.

Section II
Recognition of the legal capacity of women

The law in force enshrines the full legal capacity of women whatever their matrimonial status.

Section III
Women's right to free movement and choice of domicile

The right of women to free movement and choice of domicile is constitutionally recognized.

I. Freedom to come and go

From the formal point of view, women are free to come and go; this fundamental freedom is enshrined in the Basic Act.

Article 17 of the Basic Act reads as follows:

"The Republic shall guarantee the exercise of individual and collective rights and freedoms, in particular the rights of movement, opinion, religion, expression, association, procession and demonstration."

This principle, which does not involve any real problems for single women, meets a concern of married women, who were previously obliged to obtain their husband's authorization for the issue of a passport, as well as an exit authorization for the purpose of travelling abroad. Failing such authorization, there was no travel document and no travel. Today, the affirmation of women's freedom of movement enables them to perform many acts without previous authorization from the husband. It goes without saying that, in the interests of domestic harmony, the wife will often seek the husband's consent.

II. Choice of domicile

The choice of domicile is liable to cause problems for married and "pre-married" women.

A. The domicile of the "pre-married" woman

Pre-married couples can decide to "go out" together regularly or to cohabit. If the second of these choices prevails, the pre-married woman is required to live in the home chosen by the pre-married man. This creates inequality between pre-married men and women, the latter having no possibility of intervening in the choice of domicile.

B. The domicile of the married woman

The domicile of the married couple is chosen by joint agreement of the spouses. In the event of disagreement, the husband decides.

Chapter XVI
Marriage

Article 16

"1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory."

This article concerns marriage and the rights and duties deriving therefrom; in order to analyse this issue, we must examine certain provisions of the Family Code. Promulgated on 17 October 1984, the Code came into force a year later. It officially terminated the implementation of the provisions of the French Civil Code and of various customs in the sphere of marriage, filiation and inheritance. The purpose of the Family Code was to standardize all rules dealing with the subject.

Article 16 of the Convention imposes on States Parties the main obligation of taking all appropriate steps to eliminate discrimination against women in all matters deriving from marriage and in all family relations. We propose to divide the article into two parts, one on marriage and the other on betrothal.

In each part we shall first describe the positive law, i.e. the legislative provisions in force, and draw attention to any points that run counter to the provisions of the Convention or that simply give rise to difficulties. After considering these two main parts, we shall suggest some possible ways of harmonizing those points with the Convention.

Section I
Betrothal

The term "betrothal" describes the period that precedes marriage and arises from the promise of two persons to become man and wife.

I. Situation in positive law

Congolese law does not rule on betrothal; rather, article 122 of the Family Code speaks of "pre-marriage", which is "a solemn agreement whereby a man and a woman, with the consent of their families and, where necessary, in the presence of the chairman of the village committee or of the [city] block or their deputies, mutually promise to enter marriage".

A. Basic conditions

These relate to consent and to the age of the pre-married couple, as follows:

- The pre-married couple must personally give their consent,[19] which must be free;
- The minimum age for pre-marriage partners is not determined.

B. Effect

Pre-marriage is without legal effect with regard to third parties.

- The pre-married partners owe respect to one another, and, if cohabiting, are governed by marriage conditions of the "division of property" type. They cannot, however, inherit from one another;
- In the event of manslaughter of one of the pre-married partners, the other partner can claim damages.

C. Break-up

Article 126 of the Family Code recognizes the right of each pre-marriage partner to decide, after consulting both families, to break up the pre-marriage. Wrongfulness in breaking up may give rise to the reimbursement of costs occasioned by the pre-marriage and to damages in accordance with the general civil responsibility provisions.

II. Difficulties observed

The difficulties observed are of three kinds. The main one has to do with the fact that the minimum age of the pre-married couple is not determined although the law recognizes the possibility of their cohabiting. It is therefore not surprising if one of the pre-married couple – generally the woman – is still a minor.

The problem of age deserves the authorities' attention, since the majority of couples in the Congo cohabit without being formally married at a registry office.

The second problem is that pre-marriage is without effect in terms of inheritance. The two partners cannot inherit one from the other. This is a source of frustration, or even of injustice in the case of couples who have cohabited for a long time.

The last problem has to do with the obligation imposed by article 124 to consult both families if one of the pre-marriage partners decides to break up the arrangement. This obligation may limit the freedom to terminate the relationship that each pre-married partner should enjoy, especially since the break-up may entail the reimbursement of the costs occasioned by the pre-marriage.

[19] Article 125 of the Family Code provides that absence of consent makes the pre-marriage null and void.

Section II
Marriage

Marriage is a public act by which a man and a woman establish a legal and lasting union between them. The conditions for forming such a union, its effects and its dissolution are codified.

I. Positive law

Article 128 of the Family Code provides that "a man of less than 21 years of age and a woman of less than 18 years of age may not contract a marriage".

Civil majority in the Congo is set at age 18, but the law has deliberately introduced a discrimination as to age in the law governing marriage. This discrimination seems not to give rise to any problems, no doubt because it corresponds to the generally held view that young women acquire a sense of responsibility at an earlier age than young men.

A. Basic conditions

By these we mean the conditions governing the validity of the marriage. They relate to the age and the consent of the future spouses.

1. Age

The minimum age is 18 years for the girl and 21 years for the boy. However, the State Procurator may, in a serious case, grant a dispensation from this rule (article 128, paragraph 2).

2. Consent

Article 129 of the Family Code provides as follows: "Each of the spouses, even if under age, must personally consent to the marriage. Consent shall not be deemed valid if it was extorted by violence or was given in consequence of an error as to physical or civil identity or some other essential quality which, had the error been known, would have prevented the other spouse from contracting marriage".

The rights listed in subparagraphs (a) and (b) of article 16, paragraph 1 of the Convention, namely, the same right for men and women to enter into marriage and the right to choose a spouse freely and with their full consent, are thus assured.

B. Rights and duties

Subparagraphs (c) to (h) of article 16, paragraph 1, relate to two kinds of duties and rights:

- Reciprocal rights and duties of the spouses;
- Rights and duties of the spouses in respect of their children.

1. Reciprocal rights and duties of the spouses

According to the Convention, husband and wife must have

- The same rights and responsibilities during marriage and at its dissolution;

- The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

So far as our country is concerned, all these rights are set forth in articles 166 to 178 of the Family Code. In terms of law, both spouses enjoy largely the same rights except for the fact that the husband is the head of the family and may have several wives.

The same applies to information and education in family planning matters. It can be said, however, that in this latter field women are privileged, having at their disposal – principally in urban areas – services to which only they have access, namely, mother and infant health services which provide young mothers with the necessary information on family planning.

Likewise, both spouses have the same rights with regard to the choice of a family name, a profession and an occupation and in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration (articles 169 and 171-177 of the Family Code).

2. *Rights and duties of the spouses in respect of their children*

These are listed in articles 168, paragraph 2, 178, 320 and 321 of the Family Code, which provide as follows:

- The wife, together with the husband, shall be responsible for the moral and material direction of the family, the upbringing of the children and their preparation for their future life as independent citizens;[20]
- By the act of marriage, the spouses incur the obligation to feed, bring up and instruct their children;[21]
- Both parents shall be responsible for the upkeep and supervision of their children until these attain majority age or emancipation through marriage.[22]

The parents exercise their authority jointly, and a decision or action taken by one parent is presumed to have been taken with the consent of the other, unless the latter makes his opposition known to the third parties concerned.

Thus, both spouses have the same rights in respect of their children and exercise their authority jointly. In directing the household, the wife merely works together with the husband, replacing him should he be prevented from fulfilling his duties.

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[20] Article 168, paragraph 1.
[21] Article 178.
[22] Article 320.

II. Difficulties observed

While, generally speaking, the law establishes equality between men and women, it must be noted that certain customs, although officially abolished, still perpetuate discrimination between men and women. What is even more serious, certain articles of the Family Code have the same effect. The articles in question are the following:

- Article 166: "The spouses shall undertake to lead a life in community with one another. They shall owe respect and affection to each other. Where the marriage is polygamous, each wife shall be entitled to claim equal treatment with the other wives".
- Article 167: "The spouses shall be faithful to one another. They shall owe reciprocal help, assistance and aid to each other".

Only a man can marry several wives. How can the obligation of faithfulness be reconciled with the option of polygamy available only to men? Furthermore, equal treatment can only be achieved - if the man really wants it – at the material level. How can there be equality in terms of affection? A measure of discrimination is inevitable.

- Article 168: "The husband shall be the head of the family. He shall exercise this function in the common interest of the marriage and of the children. The wife shall replace the husband as the head of the family if he is unable to manifest his will".

Here discrimination between the man and the woman is flagrant. Thought needs to be given to ways of harmonizing Congolese positive law with the provisions of the Convention.

Section III
Possibility of harmonization with the provisions of the Convention

In order to avoid weakening our societies by imposing upon them new provisions ill-adapted to our daily life, we should proceed by stages, distinguishing between measures that can be taken in the short term and those that can only be taken in the middle or long term.

I. Measures capable of being taken in the short term

These can be envisaged in the following fields:

A. Pre-marriage

Possible measures are:

- Setting a minimum age for pre-marriage. This might be the age of civil majority (18 years);
- Making the laws of inheritance applicable in cases of pre-marriage lasting for at least five years.

B. Management of the household

It would be desirable to abolish the husband's title of "head of the family". Both spouses together should be made responsible for the direction of the family.

In the case of polygamous marriage, such joint management would be carried out by the husband and each of his wives.

Information and awareness-enhancing campaigns could be organized for the whole of Congolese society in general, including young men and women and, in particular, polygamous households.

The information would bear upon the effective implementation of the provisions of article 166 of the Family Code, particularly as regards respect, affection and equal treatment in polygamous marriages.

II. Medium or long-term measures

These are (a) measures that would make it easier for women to withdraw from pre-marriage and (b) measures aimed at the abolition of polygamy.

It would be necessary to consult the nation, e.g. by referendum, on the question of whether or not polygamy should be abolished.

General conclusion

Study of the Congolese legislation demonstrates that equality of the sexes is a an established juridical principle.

In reality, however, discrimination persists notwithstanding the formal proclamation of equality. It is the result of a number of constraints that need to be eliminated. This calls for cooperation on the part of NGOs and associations, as well as of the Ministry responsible for the advancement of women.

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